United Nations S/2007/198

Security Council

Distr.: General
12 April 2007
English
Original: French

Draft resolution

The Security Council,

Recalling its resolutions and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo, and its commitment to continue to contribute to the consolidation of peace and stability in the Democratic Republic of the Congo in the post-transition period, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

Noting that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate and personnel strength of MONUC, as set out in its resolutions 1565 (2004), 1592 (2005), 1596 (2005), 1621 (2005), 1635 (2005) and 1736 (2006), until 15 May 2007;

2. *Decides* to remain actively seized of the matter.

07-30630 (E) 130407

United Nations S/2007/199

Security Council

Distr.: General
12 April 2007

Original: English

Letter dated 11 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I write with regard to my letter dated 30 March 2007, concerning the third report of the Secretary-General on the implementation of Security Council resolution 1701 (2006).

I should be grateful if you would have the content of that letter, of which a copy is enclosed herein, circulated as a document of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Chargé d'affaires a.i.

07-30404 (E) 120407

Annex to the letter dated 11 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have the honour to write with regard to the third report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2007/147).

Israel has examined and studied the report of the Secretary-General in depth, giving it the full and necessary attention. In this regard, I wish to raise with you a number of issues.

As the following letter details, Israel has identified three major areas of concern — the abducted Israeli soldiers, the arms embargo, and the situation south of the Litani.

Abducted Israeli soldiers

1. While paragraph 40 addresses the issue of "Lebanese citizens detained in Israel", it is our understanding that resolution 1701 (2006) only referred to the Hizbullah terrorists captured during the Second Lebanon War. The language in the report is not as clear as we had hoped.

2. Similarly, the lumping together in the report of the abducted Israeli soldiers and "captured Lebanese prisoners" into one issue inaccurately reflects the original intent of the resolution. Resolution 1701 (2006) calls for the unconditional release of the abducted Israeli soldiers and settling the issue of the Lebanese prisoners in two different preparatory paragraphs, thus treating each as a separate and unrelated entity.

3. The heading for section II.F reads "Captured soldiers and prisoners". The Israeli soldiers, however, as the following paragraph correctly asserts, were abducted — not captured. Though the distinction may be subtle, precision is necessary in dealing with an issue of such great humanitarian consequence.

Embargo

4. The report does not adequately address the deep involvement of Iran and Syria in the unlawful transfer of arms and munitions to terrorist organizations in Lebanon — first and foremost Hizbullah — and in violating the embargo (section II.D). Beyond the reference to the information provided by Israel, many testimonies by Lebanese and others confirm the transfer of weapons and munitions from Syria to Lebanon. Unfortunately, these testimonies were not reflected in the report. Moreover, weapons are being passed to radical elements in Palestinian refugee camps in Lebanon, which strengthens fundamentalist elements and challenges the sovereignty and endangers the stability of Lebanon. Israel considers enforcement of the weapons embargo a key issue, and as such would regard it as part of those listed in paragraph 2.

Situation north of the Litani

5. Israel appreciates the fact that the report makes reference to the situation north of the Litani (para. 24), but wishes to underscore the dangerous consequences a

strengthened Hizbullah in the areas has for the stability of Lebanon south of the Litani.

Situation south of the Litani

6. Israel notes the attention given to UNIFIL activity south of the Litani and the discovery of locations with "abandoned unauthorized arms, ammunition, or related material". However, it also wishes to emphasize Hizbullah's continued activity in this area in blatant violation of resolution 1701 (2006). This activity by an armed Hizbullah includes but is not limited to the use of closed operational areas, stockpiling of weapons and missiles, and reconnaissance activities on IDF and UNIFIL forces, conducted and carried out from within the civilian infrastructure. The lack of sufficient UNIFIL attention to these dangerous phenomena is a cause for grave concern.

Hizbullah's armed presence in the areas south of the Litani is no secret. Israel has repeatedly warned of Hizbullah's rearming and the danger posed to the region. As the report notes, Hassan Nasrallah has even publicly proclaimed, in violation of resolution 1701 (2006), Hizbullah's intention to move munitions to the "front". Attention should not be limited to Nasrallah's pronouncements only. While UNIFIL has done a great deal in the area south of the Litani, continued Hizbullah violations indicate the need for intensified efforts in order to fully implement the resolution and bring stability and security. Israel urges the Security Council to address this escalating matter accordingly.

Disarming of armed groups

7. The dismantling of armed groups in Lebanon remains a crucial element in the stabilizing of Lebanon, and will contribute greatly to the achievement of a long-term solution between Israel and Lebanon. Though three years have passed since the adoption of Security Council resolution 1559 (2004), its full implementation, particularly via the internal political process in Lebanon, remains unfulfilled. Concrete benchmarks should be created to encourage movement along this front. In this context as well, it should be pointed out that Israel considers the disarming of armed groups to be among the key issues enumerated in paragraph 2.

"Shab'a Farms"

8. The issues pertaining to the so-called "Shab'a Farms" are between Syria and Lebanon. Echoing the report, Israel also wishes to underscore the importance of the full implementation of Security Council resolution 1680 (2006). As to the cartographer's mandate, Israel would like to stress that it is limited to defining the area geographically, and not part of the process of delineating a "boundary", as might be suggested from paragraph 50.

Ghajar

9. The report calls on Israel and Lebanon to approve the agreement for the temporary security arrangement in Ghajar (para. 60). Israel wishes to point out, as reported in paragraph 12, that the arrangements were already endorsed by Israel, and it awaits the approval of the Government of Lebanon.

Overflights

10. Israel is working to reduce the number of overflights. In the light of the continued violations of the embargo on the transfer of arms and the continued detention of the abducted Israeli soldiers, these flights are an essential security measure for Israel. It is well known that these flights provide important intelligence with regard to the violations of resolution 1701 (2006). Israel hopes that in time these overflights will not be necessary.

I wish to underscore that these concerns are not merely expository thoughts on language. Rather, they address the very core of the obligations set forth by resolution 1701 (2006), and the manner in which outstanding aspects of the resolution will be implemented.

Israel is committed to seeing forth the full implementation of resolution 1701 (2006), emphasizing the aforementioned humanitarian situation of the abducted Israeli soldiers, Udi Goldwasser and Eldad Regev, the situation south of the Litani, and the arms embargo, as our previous letters to you over the past eight months have repeatedly confirmed.

I should be grateful if you would have the content of this letter circulated to the members of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Chargé d'affaires a.i.

United Nations S/2007/200

Security Council

Distr.: General
12 April 2007

Original: English

France, Germany, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its relevant resolutions including resolution 1716 of 13 October 2006 (S/RES/1716);

Welcoming the reports of the Secretary-General on the activities of the United Nations Observer Mission in Georgia of 11 January 2007 (S/2007/15) and 3 April 2007;

Supporting the sustained efforts of the Secretary-General and of his Special Representative with the assistance of the Group of Friends of the Secretary-General as well as the Russian Federation in its capacity as facilitator and of the OSCE;

Stressing the importance of close and effective cooperation between UNOMIG and the CIS peacekeeping force as they currently play an important stabilizing role in the conflict zone, and *recalling* that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees;

Stressing that economic development is urgently required in Abkhazia, Georgia to improve the livelihoods of the communities affected by the conflict, in particular the refugees and internally displaced persons;

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and supports all efforts by the United Nations and the Group of Friends of the Secretary-General which are guided by their determination to promote a settlement of the Georgian-Abkhaz conflict only by peaceful means and within the framework of the Security Council resolutions;

2. *Calls on* both sides to resume dialogue, make full use of all existing mechanisms as described in the relevant Security Council resolutions, to comply fully with previous agreements regarding ceasefire and non-use of violence, and to finalize without delay the package of documents on the non-use of violence and on the return of refugees and internally displaced persons;

3. *Recalls*, with a view to achieving a lasting and comprehensive settlement, its support for the principles contained in the "Paper on Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi" and welcomes additional ideas that the sides would be willing to offer with a view to conducting

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creatively and constructively a political dialogue under the aegis of the United Nations;

4. *Endorses* the proposals for confidence-building measures presented by the Group of Friends of the Secretary-General during the meeting held in Geneva on 12 and 13 February 2007 under participation of the Georgian and Abkhaz parties, and *urges* both parties with the assistance of UNOMIG and of international partners and the support of the Group of Friends of the Secretary-General to immediately engage in implementing these measures without conditions;

5. *Welcomes* progress achieved by both sides towards the implementation of resolution 1716 (2006), *calls on* the Georgian side to ensure that the situation in the upper Kodori valley is in line with the Moscow agreement on ceasefire and separation of forces of 14 May 1994; and *calls on* the Abkhaz side to exercise restraint in connection with the Georgian commitments with regard to the Kodori valley;

6. *Condemns* the attack on villages in the Upper Kodori valley carried out in the night of 11 and 12 March 2007 and urges all sides to extend full support to the ongoing investigation conducted by the Joint Fact Finding Group under the leadership of UNOMIG;

7. *Stresses* that the situation on the ground in the areas of security, return of IDPs and rehabilitation and development must be improved and *calls* on both sides to resume dialogue without preconditions in these areas, using all existing mechanisms, including Quadripartite meetings;

8. *Urges* the sides to address seriously each other's legitimate security concerns, to refrain from any actions which might impede the peace process, and to extend the necessary cooperation to UNOMIG and the CIS peacekeeping force;

9. *Stresses* the urgent need to alleviate the plight of refugees and internally displaced persons and the need for a perspective of life in security and dignity in particular for a new generation growing up outside Abkhazia, Georgia, and recalling the right of return for all internally displaced persons to Abkhazia, Georgia, *calls on* both sides to implement the UNHCR's *Strategic Directions* for the return in the first instance to the Gali region;

10. *Welcomes* existing and *encourages* further contacts between representatives of civil society of the sides;

11. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel and *calls on* both sides to fulfil their obligations in this regard;

12. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance of all UNOMIG personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to ensure that acts involving their personnel are properly investigated and punished;

13. *Decides* to extend the mandate of UNOMIG for a new period terminating on 15 October 2007;

14. *Requests* the Secretary-General to make use of this extended mandate in order to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect;

15. *Strongly supports* the efforts of the Special Representative of the Secretary-General and calls on the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support;

16. *Decides* to remain actively seized of the matter.

United Nations S/2007/201

Security Council

Distr.: General
12 April 2007
English
Original: Arabic

Letter dated 11 April 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1. While the Government of my country has consistently affirmed, in word and in deed, its full commitment to good-neighbourly policies and the need to resolve disputes by peaceful means and has reiterated its desire to establish good relations with its sister the Republic of Chad, based on the development of joint cooperation, non-interference in internal affairs and respect for the agreements signed in that context, the most recent of which was the agreement reached at the Tripoli quartet summit, attended by the Presidents of the Republic of the Sudan, the Socialist People's Libyan Arab Jamahiriya, Eritrea and Chad, which provided for the full normalization of relations between the two countries and the cessation of hostile acts and escalation campaigns, the Government of Chad insisted on reaffirming its lack of commitment in that regard and its determination to target the Sudan and its territorial inviolability, obstructing all the generous efforts aimed at normalizing relations between the two countries.

2. On Monday, 9 April 2007, Chadian Government forces proceeded, against the backdrop of a flare-up of fighting in the Amdjereme region within Chadian territory between those forces and Chadian opposition forces (the Hassan Saleh al-Djinedi group), to carry out pursuit operations during which they penetrated into Sudanese territory with a force composed of seven armoured personnel carriers and over 100 Land Cruisers and attacked and fought with Sudanese armed forces, which resulted in the killing of Sudanese first lieutenant and 16 Sudanese soldiers.

3. The Government of the Sudan, while reserving its legitimate right to respond to such overt aggression and continuing also to desire good-neighbourly relations, hereby refers to the Security Council this grave violation of the sovereignty and territorial inviolability of the Sudan. This incident has been acknowledged by the Government of Chad itself in a manner that reflects its continued intent to destabilize the Sudan and obstruct the current efforts to reach a political settlement of the Darfur crisis. The Government of the Sudan requests the Security Council, as the body responsible for maintaining international peace and security, to deal swiftly and decisively with this aggression, of which the States sponsors of the Tripoli agreement have been informed, by conducting an immediate investigation and taking the necessary measures within the framework of its responsibilities under the Charter of the United Nations.

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4. Lastly, I request you to circulate this complaint as an official document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative of the Republic of the Sudanto the United Nations

United Nations S/2007/202

Security Council

Distr.: General
13 April 2007

Original: English

Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1720 (2006) of 31 October 2006, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2007. In that resolution, the Council requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period. The present report covers developments since the issuance of my report dated 16 October 2006 (S/2006/817).

II. Recent Developments in Western Sahara

2. In a statement made on 6 November 2006, King Mohammed VI of Morocco confirmed that his Government was developing an autonomy proposal, with a view to finding a political solution to the question of Western Sahara. He indicated that the ongoing consultations on this initiative would be completed on a broad basis. In this regard, he stated that Morocco remained strongly committed to cooperating with the United Nations in its efforts to find a consensual political solution to which all parties concerned with the dispute could adhere.

3. On 8 March 2007, the Secretary General of the Frente Popular para la Liberación de Saguia el-Hamra de Rio de Oro (Frente Polisario), Mohammed Abdelaziz, handed me a document summarizing the position of the Frente Polisario, which is that the question of Western Sahara is a decolonization problem that should be resolved on the basis of the implementation of the principle of self-determination, and that the solution to the conflict lies in the exercise of the legitimate right to self-determination of the people of Western Sahara by means of a referendum.

4. On 14 March 2007, I met with the envoys of King Mohammed VI of Morocco, Taieb Fassi Fihri, Moroccan Minister Delegate for Foreign Affairs and Cooperation, Fouad Ali El Himma, Moroccan Minister Delegate of the Interior, Khalihenna Ould Errachid, Chairman of the Royal Advisory Council for Saharan Affairs, and Mohamed Yassine Mansouri, Director General of the Direction of Studies and Documentation, who provided some details on the autonomy proposal being prepared by Morocco.

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5. On 19 March, Mohammed Bedjaoui, Minister for Foreign Affairs of Algeria, transmitted to me a message from President Abdelaziz Bouteflika, underscoring the responsibility of the United Nations vis-à-vis the people of Western Sahara and its obligation to carry out the decolonization process to be completed with the holding of a free and fair referendum of self-determination under the authority of the United Nations.

6. On 10 April, I received a letter from the Representative of the Frente Polisario in New York, Ahmed Boukhari, transmitting a "Proposal of the Frente Polisario for a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara".

7. On 11 April, I met with the Permanent Representative of Morocco to the United Nations, El Mostafa Sahel, who gave me a letter dated 10 April 2007, transmitting to me a document entitled "Moroccan initiative for negotiating an autonomy statute for the Sahara region" containing the initiative by King Mohamed VI of Morocco on the autonomy proposal on which Morocco has dedicated effort for some months. In the covering letter, the Moroccan initiative is characterized as a proposal that can serve as a basis for dialogue, negotiation and compromise.

8. I welcome every effort from the parties that can advance the possibility of achieving a just and mutually acceptable solution that will provide self-determination for the people of Western Sahara. I encourage the parties to enter into negotiations in good faith without preconditions.

III. Activities of my Personal Envoy

9. During the period under review, my Personal Envoy, Peter van Walsum, held consultations in New York with the representatives of the two parties, Morocco and the Frente Polisario, as well as with the representatives of the neighbouring countries, Algeria and Mauritania.

10. During his various meetings, my Personal Envoy listened to the concerns and positions of the parties and neighbouring countries with regard to the way out of the current impasse. He underlined once again that the negotiations between Morocco and the Frente Polisario, recommended in the report of the Secretary-General of 16 October 2006 (S/2006/817, para. 61), would have the objective of achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. Subsequent to his consultations, my Personal Envoy informed me that the question remained at an impasse due to a lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination.

11. In February and March 2007, my Personal Envoy also consulted the representatives of interested Member States, including Spain, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America in New York, after which he briefly visited Madrid, Paris and Washington, D.C. He detected a general wish to find a way out of the current impasse and to reach a solution that would at last enable the people of Western Sahara to exercise their right to self-determination. In all his discussions about Western Sahara with members of the Security Council, my Personal Envoy has never heard any argument causing him to revise either the analysis or the conclusion

contained in his briefing to the Council of 18 January 2006 and later summarized in the report of the Secretary-General to the Security Council of 16 October 2006 (S/2006/817, para. 12). Briefly, his analysis was that the Security Council had consistently made it clear that it would not impose a solution to the question of Western Sahara, which had led him to the conclusion that there were only two options: either indefinite prolongation of the impasse, or negotiations without preconditions between the parties aimed at achieving a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

12. It was on this conclusion that my predecessor, Secretary-General Kofi Annan, had based his aforementioned recommendation of 16 October 2006. My Personal Envoy reminded me that, in its meeting of 31 October 2006, the Security Council had not rejected or criticized that recommendation, but had simply failed to act on it. Accordingly, taking into account that his analysis and conclusion had not been contested by any member of the Security Council, my Personal Envoy thought it might be advisable for me to make exactly the same recommendation.

IV. Activities on the ground

A. Military

13. As at 31 March 2007, the military component of MINURSO stood at 228 personnel, including administrative personnel and medical unit officers, against the authorized strength of 230. During the period under review, in an effort to increase the number of Arabic-speaking military observers, four military observers from Yemen were deployed to the Mission. They arrived on 31 January 2007. Despite extensive efforts by the Department of Peacekeeping Operations to increase the number of female officers in the Mission, regrettably only one woman military observer (Mongolia) served in MINURSO during the period under review. I would welcome a larger deployment of female personnel by troop-contributing countries to MINURSO, for operational reasons and in order to improve the Mission's gender balance.

14. The overall situation in the area of responsibility remained generally calm. Under the command of Major General Kurt Mosgaard (Denmark), the military component of MINURSO continued to monitor the ceasefire, which has been in effect since 6 September 1991, in accordance with military agreement No. 1 between the Royal Moroccan Army and MINURSO, on the one hand, and the Frente Polisario military forces and MINURSO, on the other. These military agreements divide Western Sahara into five areas, including a 5-kilometre-wide buffer strip east of the berm, two restricted areas (25 kilometres east and 30 kilometres west of the berm, respectively) and two areas of limited restriction that encompass the remainder of Western Sahara. Various restrictions on military activities and personnel apply in these areas.

15. During the reporting period, MINURSO performed 4,246 ground patrols and 289 air patrols to visit and inspect units of the Royal Moroccan Army and the military forces of the Frente Polisario and to monitor adherence to the military agreements. The increase in the number of patrols as compared to earlier years is the result of changes in the Mission's military structure and procedures, as explained in

previous reports to the Council (see S/2005/648, S/2006/249 and S/2006/817). These changes have enhanced the operational efficiency of MINURSO and improved its ability to monitor the maintenance of the ceasefire.

16. MINURSO continued to enjoy good relations with both the Royal Moroccan Army and the Frente Polisario armed forces. However, the two parties continued to abstain from direct meetings with each other and all known contacts between them were conducted via meetings and written communications with MINURSO as an intermediary. The MINURSO proposal to establish a joint military verification commission (see S/2006/249, para. 11), designed to build confidence between the parties, has in principle been welcomed by the Frente Polisario, but the Royal Moroccan Army has not so far responded.

17. Violations of military agreement No. 1 by both parties remain at the same level as compared to the previous reporting period. From 6 October 2006 to 31 March 2007, MINURSO observed and recorded eight new violations by the Royal Moroccan Army and seven new violations by the military forces of the Frente Polisario. Violations by the Royal Moroccan Army included the presence of a military element in the buffer strip on 10 October 2006, and the construction of ammunition stores in the restricted area in February 2007; violations by the Frente Polisario included the concentration of forces during the military parade held in the area of limited restriction in Tifariti on 27 February 2007, and the claim that mines had been laid in the restricted area in November 2006.

18. MINURSO continued to observe long-standing violations by both parties. These included the presence of radar equipment and improvement of the defence infrastructure, including expansions of the berm by the Royal Moroccan Army, and the continued deployment of military personnel and infrastructure improvements by the Frente Polisario in the area known as the "Spanish Fort", as described in my report to the Security Council of 27 January 2005 (S/2005/49, para. 6).

19. As explained in my previous report to the Council (S/2006/817, para. 26), since the start of the Mission's mandate, both parties have imposed restrictions on the freedom of movement of MINURSO military observers. The restrictions primarily relate to the denial of entry into the parties' strong points and units to verify unit strength, weapons systems and maintenance of the status quo. On 1 June 2006, MINURSO began recording restrictions on freedom of movement of military observers as violations of military agreement No. 1. Despite agreement by the Frente Polisario to lift all restrictions, only one military region (military region 2 in Tifariti) has granted MINURSO military observers full freedom of movement. Two freedom of movement violations were committed by the Frente Polisario in another military region (military region 4 in Mehaires) during the reporting period. The remaining four military regions have yet to grant full freedom of movement. With regard to the Royal Moroccan Army, restrictions have been lifted in the Awsard subsector but remain in place in all others. During the period from 6 October 2006 to 31 March 2007, 473 freedom of movement violations were recorded on the part of the Royal Moroccan Army and 128 on the part of the Frente Polisario. The presence of greater numbers of Royal Moroccan Army strong points and units explains, to some extent, the higher number of violations on its part. Ambiguous wording of military agreement No. 1 was referred to by the Royal Moroccan Army as the explanation for their continued violations to the principle of unrestricted

freedom of movement. However, further improvements are necessary from both sides to enable MINURSO to carry out its monitoring functions more effectively.

20. With regard to military agreements Nos. 2 and 3, both parties continued to extend cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance and expired ammunition. During the period under review, MINURSO discovered and marked 93 mines and pieces of unexploded ordnance and 13 cluster bomb-contaminated areas. MINURSO monitored the destruction by both parties of 3,513 such devices, including a stockpile of 3,321 anti-personnel landmines by the Frente Polisario on 27 February, which was facilitated by Landmine Action, a United Kingdom non-governmental organization.

21. The abundant presence of mines and unexploded ordnance throughout Western Sahara, including areas where MINURSO military observers and logistical vehicles operate on a daily basis, is a cause of serious concern. Since 1991, MINURSO military observers have been victims of three mine accidents and the introduction of night operations has increased the risk of further accidents. This raises new force protection issues that need to be addressed by MINURSO through implementation of mine action and unexploded ordnance disposal activities, which are essential to provide an adequate level of safety to United Nations personnel working in Western Sahara. The safety of the local population is also at continued risk. Each month civilians and their livestock are killed or injured in mine accidents and the numbers are likely to increase in the event that refugees begin to return. In the month of January 2007 alone, mine accidents in the Territory resulted in several deaths, including that of a young girl, a member of the Royal Consultative Council for Saharan Affairs and a Moroccan parliamentarian. On 28 March two soldiers of the Royal Moroccan Army were killed, and another was seriously injured, when their vehicle hit an anti-tank mine near Oum Dreyga. These tragic events underline the vulnerability of all members of society to the threat of mines.

22. In an effort to respond to this threat, on 15 January 2007, the Royal Moroccan Army, deploying considerable resources, began a comprehensive mine-clearing operation in Western Sahara from the Atlantic coast to the berm.

23. MINURSO, for its part, has put new emphasis on reducing the risk of mines and unexploded ordnance for all by establishing a mine action cell, which, since January 2006, has engaged in mine action coordination through several complementary avenues of cooperation. With support from the Mine Action Service, the Mission has been organizing activities to reduce the presence of mines and unexploded ordnance and to raise awareness of the issue with the parties and among the wider population in the Territory and in the Tindouf refugee camps. MINURSO has also established contact with the United Nations Development Programme (UNDP) in Mauritania and the Mauritanian authorities to exchange information and facilitate mine clearance activities along the border between the Territory and Mauritania and to initiate regional mine awareness programmes.

24. To fully cooperate with potential mine-clearing non-governmental organizations in the Territory, MINURSO plans to utilize version 4 of the Information Management System for Mine Action database system. To date, the MINURSO mine action cell has been staffed with two military officers. The work is highly specialized and requires both knowledge and field experience. If MINURSO capacities in this regard are to be preserved, civilian staff will be required to supplement the work of individual United Nations military observers, whose tours

of duty last only 6 to 12 months. The inclusion of civilian staff would enable MINURSO to retain the institutional memory and technical expertise so vital to this area of work. Requests for civilian posts for the mine action cell will be included in the 2008/09 MINURSO budget.

25. Since its deployment to Western Sahara in August 2006, Landmine Action has embarked on a comprehensive mine and unexploded ordnance survey as well as clearance of areas east of the berm, with cooperative support from the Mine Action Service and MINURSO. As at 31 March 2007, Landmine Action had assisted the Frente Polisario with the destruction of stockpiles of 6,757 anti-personnel mines in line with the Geneva Call's "Deed of commitment" for non-State actors, which the Frente Polisario signed on 3 November 2005 (S/2006/249, para. 14). Landmine Action has also surveyed 78 designated dangerous areas and marked 112 spots indicating the presence of mines and unexploded ordnance in areas east of the berm.

26. Activities by Landmine Action have been substantially funded by the Mine Action Service since August 2006, with the shortfall being met by the Princess of Wales Memorial Fund. Landmine Action secured all the necessary equipment for the start-up phase of the programme. In order to secure the continuation of the comprehensive mine action programme east of the berm for 2007, donor funding will be required. I call upon donors to contribute generously to the mine-clearing activities of Landmine Action, which are essential to providing a safe environment for the local population and for United Nations military and civilian personnel. A contribution from MINURSO funds will also be required to ensure the threat-grading of MINURSO patrol and logistical supply routes and mine and unexploded ordnance clearing of areas where MINURSO wishes to establish facilities.

27. MINURSO undertook several activities during the reporting period to ensure the safety of United Nations personnel and to further enhance its military capabilities, including procurement of modern night vision equipment, marking of tracks, improvement of casualty evacuation procedures and production of more accurate maps. Since its deployment in 1991, MINURSO has been operating on the basis of outdated large-scale aerial maps. In an environment affected by the presence of mines and unexploded ordnance, this has been a risky situation for MINURSO military observers patrolling the desert. Further, it has imposed severe limitations on the Mission's ability to support the mine and unexploded ordnance-clearing activities of the parties and non-governmental organizations. To address this situation, a Geographic Information Systems cell was established in MINURSO in June 2006 (see S/2006/817, para. 29) with advice, technical and training support from the Cartographic Section of the Department of Peacekeeping Operations and the United Nations Mission in Liberia. The cell is still in its infancy and is primarily staffed by military observers, but it has been able to develop and produce the first updated maps of critical areas. The Mission plans to further enhance these maps utilizing satellite imagery, data from Global Positioning System equipment in MINURSO vehicles as well as other available data.

B. Prisoners of war, other detainees and persons unaccounted for

28. The International Committee of the Red Cross continues to work with the parties in accounting for those who are still missing in relation to the conflict.

C. Assistance to Western Saharan refugees

29. The assistance programme to the Saharan refugees, including food distribution, continues to support those deemed most vulnerable in the Tindouf refugee camps in Algeria.

30. With funding from the European Commission, the primary school infrastructure that was heavily damaged by the floods in February 2006 was reconstructed under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR). The water distribution system, hitherto supplied by tankers in most camps, is being gradually replaced by more efficient and safe, piped water systems. Hygiene will thereby be improved and the risk of infectious diseases reduced. During the reporting period, a second stage of the safer water supply system was under construction. A third stage will be implemented in 2007 and a master plan for safe water adduction will be designed during the year.

31. In January 2007, UNHCR and the World Food Programme (WFP) sent a joint assessment mission to Tindouf to verify the food requirements of the Saharan refugees for the coming two years. The mission recommended that the refugees should continue to receive emergency food assistance. Pending a registration of refugees, the caseload would be established at 90,000 beneficiaries. In line with the recommendation of the mission, 35,000 supplementary rations would also be distributed to women of child-bearing age, malnourished children under 5 years and schoolchildren, in order to address serious problems of chronic malnutrition and anaemia among these particularly vulnerable sectors of the camps' population.

32. The food pipeline has been very fragile since September 2006, when the food security stock in Rabouni, Algeria, was liquidated and not replaced, due to lack of funding. Over 8,000 metric tonnes of food commodities for the refugee camps are required for the coming six months, but funding has not yet been pledged. I call upon donors to contribute generously to the Saharan refugee assistance programme, including the feeding operation, in order to make the living conditions of the refugees tolerable and to prevent further interruptions in their food distribution.

D. Confidence-building measures

33. I am pleased to report that on 3 November 2006, after a six-month hiatus, UNHCR and MINURSO were able to resume the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area. The programme continues to run smoothly and with the full cooperation of the parties. From the start of the programme in 2004 until March 2007, 3,219 individuals, 60 per cent of whom were women, benefited from the programme. Given the high level of interest shown by the Saharan population on both sides of the berm to participate in the exchange of family visits, UNHCR and MINURSO continue to explore with the parties the possibility of expanding the programme by increasing the number of beneficiaries per visit as well as the overall number of family visits.

34. The four free telephone centres connecting the Tindouf refugee camps and the Territory continued to operate successfully throughout the reporting period, with over 66,000 calls having been made by refugees to their relatives in the Territory since the service began in 2004. Unfortunately, funding constraints continue to

impede efforts to install a telephone centre in Dakhla Camp, which is situated some 180 kilometres from Tindouf.

35. MINURSO continues to play an important role in supporting the implementation of the programme of confidence-building measures. Up to eight round-trip flights are undertaken each month in MINURSO aircraft, while MINURSO personnel are responsible for check-in and baggage-handling operations. When available, a doctor or nurse from the MINURSO Malaysian Medical Unit accompanies each flight. In addition, MINURSO provides six United Nations police officers to facilitate airport procedures at arrival and departure points and to accompany UNHCR staff on their visits to beneficiaries. The police officers are also present in the refugee camps in Tindouf and in towns in the Territory for the duration of the family visits. MINURSO also continues to provide critical logistical, security and administrative support to UNHCR in the implementation of the confidence-building measures programme.

36. The confidence-building measures, which address the special needs of those families who have been separated by the conflict for over 30 years, are highly valued, not only by the Saharan population but also by the parties. However, a delay in donor response to the UNHCR special appeal for this operation may soon endanger its continuation. Without the requisite funding, the programme would be forced to close in May 2007. Therefore, I call upon the donor community to continue to support this valuable humanitarian initiative.

E. Irregular migrants

37. By October 2006, only 13 migrants remained in Bir Lahlou under the care of the Frente Polisario. The group was all that remained of a much larger one to whom MINURSO had provided emergency assistance in late 2005. On 2 November 2006, MINURSO facilitated the transfer by the Frente Polisario of a Nigerian migrant from Bir Lahlou, through Mijek, to the border with Mauritania, where he was handed over to the International Organization for Migration (IOM) for voluntary repatriation. Right of transit through Mauritania having been granted by the Mauritanian authorities on 8 November, IOM was able to facilitate the migrant's return to Nigeria. Subsequently, on 9 February 2007, MINURSO again facilitated the transport of five migrants from Burkina Faso, Cameroon, Ghana, Guinea-Bissau and Mali to the Mauritanian border, where they were repatriated by IOM. By 8 February 2007, only seven migrants remained in Bir Lahlou, including four migrants from Ghana and one each from Burkina Faso, Côte d'Ivoire and the Gambia. MINURSO will continue to provide ad hoc humanitarian assistance to migrants, as the need arises.

38. In December 2006, several non-governmental organizations condemned the reported rounding up by Moroccan authorities of some 400 irregular migrants from towns in Western Sahara and elsewhere, claiming that Moroccan authorities had attempted to force them over the border into Algeria. On 3 December 2006, the Secretary General of the Frente Polisario, Mr. Abdelaziz, wrote to my predecessor, Secretary-General Kofi Annan, in connection with the deaths of some 90 Saharans, who had reportedly drowned while attempting to cross by boat from Western Sahara to Spain. I call upon all concerned to cooperate in upholding their humanitarian obligations towards migrants identified within their respective territories.

F. Human Rights

39. During the period under review, demonstrations by Saharans calling for respect for human rights and the right to self-determination are reported to have continued in the Territory. On 11 December 2006, Secretary General Abdelaziz wrote to my predecessor, Secretary-General Annan, to protest the "brutal repression" and arrest of demonstrators by Moroccan security forces during protests to mark International Human Rights Day. Subsequently, on 3 and 21 February 2007, respectively, I received letters from Mr. Abdelaziz, protesting the "brutal intervention" by Moroccan forces following demonstrations in Laayoune, and calling for the immediate release of 38 Saharan prisoners, who had been on a hunger strike in Laayoune's "Carcel Negra" prison since 30 January, in protest of their conditions of detention. On 3 March, the prisoners reportedly suspended their hunger strike. On 2 April, Mr. Abdelaziz wrote to me again with regard to his continuing concerns about alleged human rights abuses in the Territory. On 9 April, I received a letter from the Permanent Representative of Morocco to the United Nations, expressing concern about increasing alleged human rights violations in the Saharan refugee camps near Tindouf, in Algeria. He also referred to allegations by international non-governmental organizations of a deterioration of the human rights situation in the camps.

40. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has continued to follow the human rights situation in Western Sahara and the Tindouf camps and remains committed to ensure that the rights of the people of Western Sahara are fully protected. OHCHR continued to receive information alleging that human rights defenders' trials were falling short of international fair trial standards. Allegations received from several sources also related to incidents where the rights to freedom of expression, association and assembly appear to have been compromised.

G. Restructuring and administration of the Mission

41. Pursuant to a security assessment conducted in December 2005 (see S/2006/249, para. 27), the Department of Safety and Security recommended that MINURSO implement a number of measures to bring it within minimum operating security standards, among which were the erection of high security walls, the installation of a security lighting system and the construction of barriers at the Mission headquarters, its logistics base in Laayoune, the liaison office in Tindouf, and in all team sites. While most of the projects have been completed in the team sites, the Mission has not yet received permission from local authorities to erect the recommended high walls and security barriers in the Mission's headquarters and the logistics base in Laayoune. On 15 March 2007, MINURSO and representatives of the local security services in Laayoune met formally for the first time. Further to that meeting, and in accordance with current peacekeeping practices, regular liaison meetings between representatives of MINURSO and local security services will henceforth be held on a monthly basis.

42. In order to ensure the required water supply for military observers, the Mission is drilling a well at the Bir Lahlou team site and plans for additional wells are under consideration. At present, the Mission's concept for logistical support to the team sites is based on the premise that fixed-wing air transport is possible to seven of the

nine team sites, using local airstrips. However, most airstrips have been closed for maintenance for prolonged periods during the past two years, with consequent disruption of the logistical supply chain. Together with the Department of Peacekeeping Operations, MINURSO is considering whether to upgrade the airstrips, thereby reducing the need for maintenance, or to put in place alternatives for the provision of logistical support.

H. Prevention of sexual exploitation and abuse

43. In its resolution 1720 (2006), the Security Council requested the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse. In the past six months, no case of sexual exploitation and abuse was reported. However, serious efforts are ongoing to address issues related to conduct and discipline cases involving MINURSO personnel, which occurred in the past, including cases of sexual exploitation and abuse. On 1 February, the Mission's first Conduct and Discipline Officer assumed her duties in the Mission. She has since focused, inter alia, on further developing the training programme on United Nations standards relating to sexual exploitation and abuse, which began in 2006 for all members of the Mission. Efforts are continuing to address this issue, which is a priority for my new Special Representative, Julian Harston. In addition, a new welfare and recreation programme is being developed to alleviate the difficulties associated with the particular environment in which MINURSO operates.

V. African Union

44. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), continued to provide support and cooperation to the Mission. I wish to reiterate my appreciation to the African Union for its contribution.

VI. Financial aspects

45. The General Assembly, by its resolution 60/280, appropriated the amount of $44.5 million gross for the maintenance of MINURSO for the period from 1 July 2006 to 30 June 2007. Therefore, should the Security Council approve my recommendation set out in paragraph 53 below as to the extension of the mandate of MINURSO, the cost for the operation and maintenance of the Mission during the extension period will be limited to the resources approved by the Assembly.

46. As at 31 December 2006, unpaid assessed contributions to the special account for MINURSO amounted to $52.1 million. As a result of the outstanding assessed contributions, the Organization has not been in a position to reimburse the Governments providing troops for the troop costs incurred since April 2002. The total outstanding assessed contributions for all peacekeeping operations as at 31 December 2006 amounted to $1,889.6 million.

VII. Observations and recommendations

47. **I recommend that the Security Council call upon the parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to the negotiations and be consulted separately on issues directly affecting them, in accordance with the format that was observed during the tenure of my previous Personal Envoy, James A. Baker, III.**

48. **I welcome the continued reduction in the number of violations by the parties to military agreement No. 1, which defines the ceasefire regime. However, the restrictions imposed on the freedom of movement of United Nations military observers who seek to visit units, headquarters and strong points for verification purposes have continued. It is the responsibility of the parties to ensure that violations are not committed by their military/security forces, and I would encourage the parties to lift all restrictions and extend their full cooperation to MINURSO in order to maintain the ceasefire. In that regard, and as previously noted (S/2006/817, para. 56), I would encourage the parties to clarify any issues that may be subject to different interpretations and to ensure that basic peacekeeping principles are upheld.**

49. **I welcome the fact that both parties have begun operations to clear the Territory of mines and unexploded ordnance as well as their cooperation with MINURSO in this regard. These activities could provide an opportunity for increased cooperation and confidence-building between the parties. Therefore, I would encourage both parties to work with MINURSO to establish direct cooperation and communication through a joint military verification commission and other forums to facilitate their work on mine clearance and other issues of common interest.**

50. **I welcome the intention of MINURSO to provide increased support in the areas of mine risk education and victim assistance, which could prove valuable and relatively inexpensive multipliers in the security and effectiveness of the Mission. MINURSO activities in this area will have a direct positive effect on the safety of United Nations personnel as well as operate as an indirect force protection measure through increased understanding by the local population of the Mission's role and presence. As part of its core mandate, MINURSO has identified the need to add demining activities, which cannot be funded through voluntary contributions as these are ongoing and operational activities.**

51. **The human dimension of the conflict, including the plight of the Western Saharan refugees, is a continuing concern. In this context, I am pleased that the exchange of family visits between the Territory and the refugee camps in the Tindouf area has resumed. Building on the success of these visits, I am encouraged by recent indications that the parties concerned are exploring the possibility of increasing the number of beneficiaries of this programme. Therefore, I urge the donor community to contribute generously to this valuable humanitarian confidence-building measure.**

52. **I would like to repeat the call made by my predecessor (S/2006/817, para. 60) that the parties remain engaged in continuous and constructive dialogue with OHCHR with a view to ensuring respect for the human rights of the people of Western Sahara. I would also like to reiterate that, although MINURSO does not have the mandate or resources to address this issue, the United Nations remains committed to upholding international human rights standards.**

53. **In the existing circumstances on the ground, and in the light of my Personal Envoy's continuing efforts, I believe that the presence of MINURSO remains indispensable for the maintenance of the ceasefire in Western Sahara. Therefore, I recommend that the Security Council extend the mandate of MINURSO for a further period of six months, until 31 October 2007.**

54. **In conclusion, I wish to express my appreciation to my Personal Envoy, Peter van Walsum, for his continuing efforts in search of a solution to the question of Western Sahara. I also wish to thank my new Special Representative, Julian Harston, and the Force Commander, Major General Kurt Mosgaard (Denmark), as well as the men and women of MINURSO for their work, under difficult conditions, to fulfil the Mission's mandate.**

United Nations Mission for the Referendum in Western Sahara

Contributions as at 29 March 2007

	Military			
Country	*Observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	1	—	—	1
Austria	2	—	—	2
Bangladesh	7	0	0	7
China	16	0	0	16
Croatia	6	0	0	6
Denmark[c]	2	0	0	2
Egypt	23	0	3	26
El Salvador	6	0	3	9
France	17	0	0	17
Ghana	10	7	0	17
Greece	1	0	0	1
Guinea	7	0	0	7
Honduras	12	0	0	12
Hungary	7	0	0	7
Ireland	3	0	0	3
Italy	5	0	0	5
Kenya	6	0	0	6
Malaysia	11	20	0	31
Mongolia	3	0	0	3
Nigeria	6	0	0	6
Pakistan	8	0	0	8
Poland	1	0	0	1
Russian Federation	25	0	0	25
Sri Lanka	2	0	0	2
Uruguay	8	0	0	8
Yemen	4	0	0	4
Total	**199**	**27**	**6**	**232**

[a] Authorized strength is 231.
[b] Authorized strength is 6.
[c] Includes the Force Commander.

Map No. 3691 Rev. 54 UNITED NATIONS
April 2007

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2007/203

Security Council

Distr.: General
13 April 2007

Original: English

Letter dated 12 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the President of the Security Council

On behalf of the Non-Aligned Movement, I have the honour to write to you, in your capacity as President of the Security Council of the United Nations for the month of April, regarding the inclusion in the provisional programme of work of the Security Council of an open debate entitled "Letter dated 5 April 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2007/186)", which has been scheduled for Tuesday, 17 April 2007, and whose main objective will be exploring the relationship between energy, security and climate.

In this context, I would like to reiterate the concerns of the Movement regarding the continued and increasing encroachment by the Security Council on the functions and powers of the General Assembly, the Economic and Social Council and other organs through addressing issues which traditionally within the competence of the latter organs. It is also relevant to note that the United Nations Framework Convention on Climate Change is the appropriate forum for considering risk associated with and action to address climate change, in accordance with the principles enshrined in the Convention.

The Non-Aligned Movement stresses that the Security Council must fully observe all Charter provisions, as well as all General Assembly resolutions which clarify its relationship with the latter organ and other principal organs. The Movement also stresses that close cooperation and coordination among all principal organs is indispensable to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges.

I would like to request that the present letter be circulated as a document of the Security Council.

(*Signed*) Ileana **Núñez Mordoche**
Ambassador
Chargé d'affaires a.i.
Permanent Mission of Cuba to the United Nations
Acting Chair of the Coordinating Bureau of the
Non-Aligned Movement

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Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)

I. Introduction

1. The Security Council, in paragraph 3 of its resolution 1744 (2007), requested that I assist the transitional federal institutions of Somalia with the convening of a national reconciliation congress, and, more widely, promote an ongoing all-inclusive political process, working together with the African Union, the League of Arab States and the Intergovernmental Authority on Development (IGAD). It also requested that I report back to the Council within 60 days of the adoption of the resolution on progress made by the transitional institutions in pursuing an all-inclusive political process and reconciliation.

2. In paragraph 9 of the same resolution, the Council further requested that I send a technical assessment mission to the headquarters of the African Union and to Somalia to report on the political and security situation and the possibility of a United Nations peacekeeping operation following the deployment of the African Union Military Observer Mission in Somalia. It requested me to report to the Council, also within 60 days, with recommendations covering the further engagement of the United Nations in support of peace and security in Somalia and further recommendations on stabilization and reconstruction.

3. In accordance with resolution 1744 (2007), I dispatched a multidisciplinary technical assessment mission to the region from 15 to 26 March 2007, led by the Department of Political Affairs and comprising staff of the Department of Peacekeeping Operations, the United Nations Political Office for Somalia, the United Nations Development Group Office, the Department of Safety and Security, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Two representatives of the United Nations country team for Somalia, one from the United Nations Development Programme (UNDP) and the other from the Office for the Coordination of Humanitarian Affairs, also joined the mission.

4. The present report details the progress achieved in the all-inclusive political process and reconciliation, as requested by the Security Council in paragraph 3 of its resolution 1744 (2007). It also provides the key findings of the technical assessment mission dispatched in accordance with paragraph 9 of the resolution. The report concludes with recommendations for United Nations action in Somalia

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covering the political, security peacekeeping, humanitarian, human rights and reconstruction sectors.

II. Progress in the political process

5. The Transitional Federal Government was mandated under the Transitional Federal Charter to foster national reconciliation among Somalis through the establishment of an independent national reconciliation commission. The commission was mandated by the Transitional Federal Parliament in June 2006 to conceptualize and manage the reconciliation process at the district, regional and national levels.

6. Recent political and military developments, as described in my progress report dated 28 February 2007 (S/2007/115) and previous quarterly reports on Somalia submitted to the Security Council by my predecessor, have highlighted the need to broaden the political process and promote genuine reconciliation through an inclusive dialogue. There has been considerable pressure on the Transitional Federal Government, both by the international community and from within Somalia, to promote reconciliation involving all national stakeholders willing to renounce violence and abide by the Transitional Federal Charter.

7. Consequently, although it is not required under the Transitional Federal Charter, in January 2007 President Abdullahi Yusuf Ahmed proposed that a national reconciliation congress be organized, with representation along the lines of the clan-based power-sharing formula that was at the basis of the Somali National Reconciliation Conference, held in Eldoret and Mbagathi, Kenya, in 2002-2004, on which the Transitional Federal Charter is implicitly based. The 4.5 power-sharing formula provides for the equitable distribution of positions in the transitional institutions among the four main Somali clans (the Hawiye, the Darod, the Dir, and the Digil and Mirifle), with the remaining posts to be allocated to minority clans. The congress, which was scheduled to open in Mogadishu on 16 April 2007 for a 60-day period, with some 3,000 participants, is being rescheduled to a later date.

8. The proposed congress would provide an important opportunity to promote national reconciliation. However, it is only one element in a broader ongoing reconciliation process. While the Congress will be based on the 4.5 power-sharing formula, recent developments in Somalia suggest that a wider, more inclusive dialogue and reconciliation process will be required in order to incorporate all clans and sub-clans that are willing to engage with the transitional institutions within the political process in a peaceful and constructive manner, within the framework of the Charter, so as to widen the support base for the political process and make it more representative.

9. Reconciliation efforts at the district and regional levels are taking place with support from the United Nations and non-governmental organizations. These initiatives have contributed to maintaining some level of security outside Mogadishu, even while armed conflict has escalated in the capital. District-based efforts, which are vital to support an inclusive and participatory constitution-building process, will need to be expanded to assist in the establishment of local and regional governance institutions and pave the way for elections at the end of the transition period.

10. On 14 March 2007, Prime Minister Ali Mohamed Ghedi presented to members of the international community the Transitional Federal Government's "Roadmap to governance, national dialogue and reconciliation in Somalia", which provided an overview and budget for the planned national reconciliation congress. Prime Minister Ghedi announced that the congress would be independently managed and guided by a six-member national governance and reconciliation committee headed by former President Ali Mahdi Mohamed.

11. My Special Representative, François Lonseny Fall, met with the Prime Minister on 25 March 2007 to discuss the preparations and support for the congress. They agreed on the composition of an international advisory committee to assist in the convening of the congress. The advisory committee includes representatives of the United Nations, the African Union, the League of Arab States, IGAD, the Presidency of the European Union, the European Commission, Belgium, Italy, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen.

12. The international advisory committee intends to work closely with the Chairman of the national governance and reconciliation committee on issues related to support of the planned congress. In addition, UNDP has established a mechanism for the channelling and coordination of financial assistance to the Congress.

13. In his regular contacts with the leadership of the transitional federal institutions, my Special Representative has continued to emphasize the need for them to engage in a meaningful manner with all Somali stakeholders with a view to achieving genuine national reconciliation.

14. My Special Representative has also been in contact with moderate leaders of the former Union of Islamic Courts, encouraging them to renounce violence, abide by the Transitional Federal Charter and engage in reconciliation with the Transitional Federal Government without preconditions. Some moderate leaders of the Union have expressed an interest in participating in the Congress but have insisted that they should do so as representatives of the Union. However, the Transitional Federal Government is insisting that the participation in the congress be in strict accordance with the 4.5 formula and that former Union members who renounce violence may participate in the Congress only as clan members, not as Union representatives. This view is widely shared among members of the international community.

15. My Special Representative has been working closely with members of the international community, including regional organizations, to foster and support an inclusive dialogue between the Government and other Somali stakeholders. He visited Cairo on 3 April 2007 to attend the seventh meeting of the International Contact Group on Somalia, on the sidelines of which he held extensive discussions with senior officials from the League of Arab States. He praised the role played by the League in sponsoring the Khartoum talks between the Transitional Federal Government and the Union and encouraged it to lend similar support for ongoing reconciliation efforts in Somalia, including for the planned congress. My Special Representative will also be meeting representatives from IGAD and the African Union to solicit their political support in this regard. He is urging these organizations, which have played a critical role in promoting peace and stability in Somalia, to continue to engage to ensure the success of reconciliation efforts.

III. Key findings of the technical assessment mission

A. Activities of the mission

16. The United Nations technical assessment mission was led by the Assistant Secretary-General for Political Affairs. The mission began at the headquarters of the African Union in Addis Ababa, on 15 March 2007, with consultations with the Chairperson of the Commission of the Union, the Commissioner for Peace and Security and senior Union officials. The mission also met with the Minister for Foreign Affairs and the Minister of Defence of Ethiopia, as well as with the United Nations country team for Ethiopia and the United Nations Mission in Ethiopia and Eritrea (UNMEE). In Nairobi, the mission met with the United Nations country team for Somalia and representatives of international non-governmental organizations, the World Bank and the United Nations Political Office for Somalia as well as with the Ministers of Defence and Public Security and the Assistant Minister for Foreign Affairs of Kenya. The mission received a briefing from the monitoring group on the United Nations arms embargo on Somalia and met with members of the diplomatic community, both in Addis Ababa and Nairobi. Individual members of the mission also held technical meetings with their governmental counterparts and with partner organizations.

17. The mission travelled to Baidoa for consultations with Prime Minister Ghedi, the Speaker of the Transitional Federal Parliament, and with the authorities responsible for security, army and police matters. Despite two separate attempts to visit Mogadishu to meet with President Yusuf, the Force Commander of the African Union Military Observer Mission in Somalia and representatives of civil society, the security situation prevented the team from travelling to the capital. A small technical team visited Galcayo and met with local authorities and civil society representatives. The mission visited Kampala where it met with President Museveni, the Minister of Defence, the Minister for Foreign Affairs and the Minister of State for Foreign Affairs in charge of regional cooperation of Uganda. The mission completed its work in Addis Ababa on 26 March, following further consultations with the Chairperson of the Commission of the African Union.

B. Political and security overview

18. Somalia has been in a state of conflict, without a functional central Government, for almost 16 years, in spite of the organization of 14 separate peace initiatives, the most recent being the IGAD-led Somali National Reconciliation Conference, held in Eldoret and Mbagathi, Kenya, from 2002 to 2004. That process led to the establishment of the current transitional federal institutions in 2004. From the beginning, the institutions have faced major crises and divisions among their leadership. The Transitional Federal Parliament convened in Baidoa in February 2006, but the Government was unable to extend its authority much beyond the city.

19. In May 2006, conflict broke out between the Alliance for the Restoration of Peace and Counter-Terrorism, comprising several Mogadishu-based warlords, and the Union of Islamic Courts. The Union defeated the Alliance and expanded its authority beyond Mogadishu. Peace talks organized by the League of Arab States in the second half of 2006 failed to result in a power-sharing agreement between the Transitional Federal Government and the Union. On 22 December 2006, intense

fighting broke out near Baidoa between the Union and Transitional Federal Government forces supported by Ethiopian troops. The Union was quickly dislodged from the capital and other areas of south-central Somalia. The Transitional Federal Parliament subsequently approved the relocation of the transitional federal institutions from Baidoa to Mogadishu, although key questions of security and reconciliation remain unresolved.

20. During consultations with its interlocutors, the assessment mission often heard that, while the current situation in Somalia provided a window of opportunity to re-establish effective institutions of governance and advance implementation of the Transitional Federal Charter, it also carried significant risks of renewed and prolonged instability. While "Somaliland" and "Puntland" remain stable, the security situation in south-central Somalia is volatile and has recently deteriorated.

21. Since early January 2007, there have been frequent attacks on Ethiopian and Transitional Federal Government troops in Mogadishu, either against convoys travelling on key routes in the city or against troop locations and official residences, including hotels. There has been an increase in targeted assassinations of persons, including those suspected of being informers or supporters of the Government, and prominent figures. Buildings that house Ethiopian and Transitional Federal Government troops have been subjected to mortar attacks, as have the Mogadishu airport, the main seaport and Villa Somalia, the official State House in the capital. There has been a resurgence of inter- and intra-clan fighting in Mogadishu and elsewhere in Somalia.

22. Threatening anonymous letters, warning against flights into Mogadishu airport, have been sent to aircraft operators. The authors of the letters claimed that they had the capacity to shoot down aircraft. On 9 March 2007, an aircraft deploying troops of the African Union Mission in Somalia was reportedly shot at, upon landing at Mogadishu airport, damaging the aircraft but causing no casualties. On 23 March 2007, an aircraft contracted by the Union appears to have been shot down on take-off from Mogadishu airport, killing 11 passengers and crew members.

23. On 20 March 2007, a United Nations convoy was attacked by use of a roadside bomb and small arms fire some 30 kilometres from Mogadishu on the road from Baidoa. Three Somalis who were providing protection to United Nations staff were injured in the attack. This incident was the first direct attack on the United Nations in Somalia in recent times. The use of roadside bombs, vehicle-borne explosives and suicide bombing is growing in Somalia. On 21 March 2007, Transitional Federal Government forces, supported by Ethiopian troops, commenced operations in Mogadishu with the aim of disarming militias and the population and removing insurgents. This initiative resulted in heavy fighting within Mogadishu and caused thousands of civilians to leave the city for safer areas.

24. The United Nations security phases in effect in Somalia are indicative of the security situation. Mogadishu and the district of Badhadwe are in phase five (evacuation of all United Nations staff), and the remainder of Somalia is in phase four (emergency operations only), except for the western part of "Somaliland", which is in phase three. Somalia presents one of the most challenging security environments worldwide: threats include protracted inter-clan conflicts, banditry and terrorist attacks.

25. On 5 January 2007, an Al-Qaida video urged Somalis and foreign fighters to use Iraqi and Afghan-style suicide and roadside bombings to drive Ethiopian troops out of Somalia, identifying Somalia as a sacred Muslim land. The video did not, however, specifically mention the African Union Mission or the United Nations.

26. Insurgents are reportedly regrouping and may increase their activities against the Transitional Federal Government and Ethiopian troops. Active combatants against the Government in Mogadishu are estimated to number about 3,000, including foreign fighters. In addition, small arms, heavier calibre weapons, surface-to-air missiles and ammunition are widely available in Somalia and continue to flow into the country.

27. It is in the above context that the national reconciliation congress, described in the first section of the present report, is being planned. While the assessment mission found significant support for the congress, several interlocutors expressed concern that many organizational aspects of the congress remained unresolved, including security arrangements, logistics, the selection criteria of the participants and the necessary outreach to explain the objectives to the wider Somali population. Many observers believed it would be unrealistic to bring some 3,000 participants and provide for their security in Mogadishu. Concerns were also expressed as to whether the national governance and reconciliation committee would be able to organize the congress independently, without interference on the part of the Transitional Federal Government, particularly in the delegate selection process. There was wide consensus that a phased withdrawal of Ethiopian troops and the rapid deployment of the African Union Mission at full strength would help build confidence among Mogadishu's population and help ease tensions to enable reconciliation.

28. There was no consensus as to what constitutes all-inclusive broad-based and representative institutions in the Somali context. While some interlocutors expressed the view that the issue of inclusiveness in the transitional institutions was resolved by the Charter through the 4.5 formula, others believed that the implementation of the formula at the sub-clan level should be improved, while remaining within the framework of the Charter. While the power-sharing provision was accepted by the participants at the Conference in Mbagathi, some clans and sub-clans, especially the Habr-Gedir Ayr, feel that they have not been effectively represented in the transitional institutions. At the same time, the transitional institutions have been unable to meet the expectations of the population. Many interlocutors stressed the urgent need for more support to, and better performance by, the transitional federal institutions.

29. The assessment mission's interlocutors were divided with regard to the participation of the former Union of Islamic Courts in the national reconciliation congress. Some interlocutors, including the Transitional Federal Government, warned that inviting the Union as an entity would be tantamount to resuscitating and legitimizing an extremist group that had been defeated and dissolved. In addition, the Government stressed that moderate Islamist elements could join the congress in their individual capacities and on the basis of their clan and sub-clan structures. Others, fearing the capacity of the remnants of the Union to destabilize Somalia, advocated for the inclusion of moderate elements who renounce violence and accept the Transitional Federal Charter.

30. There is broad agreement within the international community that without an all-inclusive political dialogue and reconciliation process, the African Union Mission, or a possible future United Nations peacekeeping force, is unlikely to bring about sustainable peace in Somalia. Several interlocutors were also of the opinion that, as the conflict in Somalia largely revolves around economic resources and political power, not ideology, the sooner the international community bolstered its economic assistance to the Somali people and supported efforts to restore the authority of the State to assume the management of the country's resources, the greater would be the chances of securing sustainable peace.

C. Deployment and operations of the African Union Military Observer Mission in Somalia

31. The African Union should be commended for its strong determination to contribute to the stability of Somalia, which is essential for fostering reconciliation. The deployment of the African Union Military Observer Mission in Somalia in such a challenging and volatile security environment is a daunting task that requires and deserves the full support of the international community.

32. The communiqué of the African Union Peace and Security Council of 19 January 2007, which authorized the establishment of the Mission, provided for the deployment, in four phases, of nine infantry battalions, supported by maritime and air components, and civilian personnel and a 270-member police training team. To date, the African Union has received pledges for approximately half of the 8,000 troops authorized for the Mission. So far, only Uganda has sent troops to Somalia, with the deployment of two battalions and a force headquarters into Mogadishu in early March 2007. The Ugandan troops are presently based at Mogadishu airport, where they have been conducting security tasks in and around the airfield. With the arrival of the Mission's heavy equipment, they have begun to expand their patrolling activity in the capital. Future tasks could include relieving the Ethiopian troops presently securing the city's seaport. With regard to the planned police component, the African Union has yet to develop a concept of operations or to receive pledges from member States.

33. The African Union is facing a considerable challenge in raising the forces required, with the necessary equipment and logistical support provided by designated partners, and the necessary resources to finance the operation. The African Union urgently needs to reinforce the Ugandan contingent in order to facilitate the withdrawal of the remaining Ethiopian forces and to expand its area of operations both within Mogadishu and beyond to complete the first of the operation's anticipated four phases. In addition to this urgent financial and logistical support, the African Union needs assistance to strengthen its headquarters capacity to further plan, deploy and manage its operation in Somalia. The Union has approached the United Nations and other partners to assist in staffing its mission planning and management capacity structure, based in Addis Ababa. The United Nations has done its utmost to meet the Union's request and 10 military, police and civilian experts are in the process of being deployed to the Union's headquarters.

34. In meetings with the assessment mission, the African Union leadership urged, and expected, the United Nations to be ready to quickly take over peacekeeping responsibilities from the Mission. The Union further urged the United Nations to

consider another vision of engagement, whereby troops might not be needed, but rather resources and management structures could be contributed by the Organization in support of African Union troops. The United Nations plans to maintain close liaison with the African Union and its Mission and is prepared to conduct joint planning to assist the Union and prepare for any future United Nations operation. In addition to the planning officers mentioned above, the United Nations could also provide finance and logistics experts and liaison officers to be the Union's headquarters to assist in the management of the Mission's operation and to facilitate coordination and partnership for the Somalia operation.

D. Humanitarian situation

35. Insecurity increases the vulnerability of Somali populations, who have been suffering from the compounded effects of civil conflicts and natural disasters. The humanitarian situation in Somalia has been further aggravated by the recent escalation of violence. Some 124,000 people have fled Mogadishu since February 2007. Of those, at least 47,000 have fled since 21 March. This was the fifth wave of displacement since 2006, triggered either by conflict or natural disasters.

36. The post-Deyr survey, led by the Food Security Assessment Unit of the Food and Agriculture Organization of the United Nations (FAO), estimated that some 1 million Somalis, including 400,000 internally displaced persons, would be in need of assistance and protection over the next six months, compared to the 1.8 million people in need identified in 2006. Despite the overall improvement, Somalia remains chronically food insecure, particularly in the Gedo, Middle and Lower Juba regions.

37. The provision of assistance in a highly insecure environment characterized by scant access remains the main challenge for the humanitarian community. In January 2007, the United Nations Humanitarian Coordinator for Somalia requested the Transitional Federal Government to allow the immediate use of a number of airstrips, including the K-50 airstrip near Mogadishu, for humanitarian flights. The Transitional Federal Government is questioning the insistence of the United Nations in using the K-50 airstrip as opposed to Mogadishu's international airport. As road access in south-central Somalia might become increasingly difficult owing to the rains due with the beginning of the *gu* season, the reopening of the K-50 airstrip is vital if the Organization is to respond to the needs of internally displaced persons. Meanwhile, Jowhar and Kismayo airports are open, and day missions for United Nations staff are possible. Delays by Kenyan border authorities in fully implementing their Government's directive to facilitate cross-border operations into Somalia further hinder relief efforts. Since the Kenyan border with Somalia remains closed, Somalis continue to be prevented from seeking asylum and refuge. In order to respond effectively within the evolving environment, the humanitarian community is taking a number of steps, including:

(a) Moving towards a needs-based approach and away from an access-based approach to the provision of assistance;

(b) Stepping up investment in security to enable the rehabilitation of United Nations compounds and an increase of personnel to be fielded in Mogadishu and south-central Somalia;

(c) Increasing investment in south-central Somalia, where the bulk of humanitarian needs is found, and encouraging more international partners to be active in this area.

38. To ensure principled action and a "do no harm" approach, the humanitarian community is developing a set of joint operating principles to promote behaviour in line with humanitarian principles and to avoid the political use of humanitarian aid.

E. Human rights situation

39. Detailed information and data about the human rights situation in Somalia, in particular in south-central Somalia, remains difficult to obtain owing to insecurity and the relative weakness of independent actors conducting systematic information collection activities on the ground. It is, however, possible to identify some general human rights trends based on the available material. Long-term economic, social and cultural rights violations, including widespread impoverishment of the population, are compounded by serious civil and political rights violations perpetrated by all parties, which have created an alarming human rights situation. Civilians continue to be exposed to indiscriminate violence, in particular in south-central Somalia. In the absence of law and order, they are often caught in the crossfire and are subjected to forced displacement.

40. Freedom of expression and opinion and threats to the media remain issues of serious concern. Unresolved land and property rights issues are often the root cause of clan-based conflicts. Discrimination and abuse of marginalized groups and minorities continue unabated. Sexual abuse and exploitation of women and the recruitment of children into armed groups are further concerns. In the absence of mechanisms for the protection of human rights defenders, Somali human rights organizations continue to operate in a context of insecurity and fear. The efforts of human rights defenders and independent journalists in Somalia must be respected and protected by the transitional institutions and supported by the international community.

41. The Transitional Federal Charter contains many positive human rights provisions, including specific reference to international human rights treaties ratified by Somalia. Implementation of these provisions is, however, severely lacking. The transitional institutions, including the judiciary, remain weak, while the Transitional Federal Government has minimal capacity for law enforcement and the protection of people's rights. Customary law, sharia and various national legal standards are applied arbitrarily in the absence of a national legal framework. The drafting of a national constitution will be an important next step in building a legal framework with strong provisions for the protection of all human rights.

42. With regard to the African Union Mission, I note that the Union has welcomed human rights training and the establishment and enforcement of a code of conduct for the military contingent. I also welcome the fact that the plan for the civilian contingent of the Mission contains provisions for a human rights component.

F. Development and reconstruction efforts

1. Reconstruction and development programme for Somalia

43. A post-conflict needs assessment exercise for Somalia, known as the joint needs assessment, was launched in early 2005 with the objective of assessing needs and developing a prioritized set of reconstruction and development initiatives to support Somali-led efforts to deepen peace and reduce poverty. The consultative process involved the Transitional Federal Government, local and traditional authorities, parliamentarians, civil society organizations, the private sector, and religious leaders. The United Nations, the World Bank and major traditional donors for Somalia were committed to and actively involved in coordinating the process.

44. Based on the findings of the joint needs assessment, a reconstruction and development programme for Somalia is now in the final phases of consultation and revision. The programme lays out a framework of agreed and sequenced national priorities, which can be drawn on by national and international partners to develop their own responses to the needs in Somalia. It includes a fully costed results-based matrix for five years, starting in 2008, totalling $2.25 billion. The overarching goal of the programme is to deepen peace and reduce poverty. Key processes for stabilization, such as strengthening national police, disarmament, demobilization and reintegration, constitutional reform and reconciliation, are all included in the programme. To respond to the different situations existing within south-central Somalia, "Puntland" and "Somaliland", the programme includes three volumes, one for each of these geographic areas.

2. United Nations country team priorities in 2007

45. In early 2007, the United Nations country team recognized that a rare opportunity existed for the transitional federal institutions to consolidate themselves and for the Government to extend its authority and enhance its credibility with the Somali people. A number of priorities were identified, aimed at providing quick and concrete assistance for the Somali people, in line with the priorities of the reconstruction and development programme and complementary to those outlined in the consolidated appeals process. The overall objective is to support stabilization in Somalia through strengthened transitional federal institutions, in particular those responsible for rule of law and security, an aim which can only be achieved through inclusive dialogue for reconciliation, and the provision of urgent services to the population so as to achieve noticeable improvements in the lives of Somalis.

46. The focus is on: providing basic support to establish the main institutions and local administrations in key regions; strengthening the national police force through institutional capacity-building, the provision of training and equipment and implementing of disarmament, demobilization and reintegration, if possible; providing urgent basic social services, education and essential health services; helping find solutions for internally displaced persons who have been living in Mogadishu's public buildings for a decade; and helping to create employment opportunities. While international partners were generally supportive of the broad outlines of the priorities, funding has not been forthcoming. Events since then have posed operational challenges to implementation, especially in Mogadishu. Despite these constraints, notable progress has been made in most sectors, including early recovery.

3. United Nations transition plan 2008-2009

47. The United Nations country team is also planning its strategy for support to the reconstruction and development programme in 2008-2009. A United Nations transition plan is focused on supporting a transition in Somalia from conflict to peace and from crisis to recovery and longer-term development.

48. Assuming that the situation remains volatile and uncertain through the rest of the transition period, the United Nations country team has identified five core areas for support to Somalis in building a durable peace and starting the reconstruction and development of their country. These core areas are aimed at:

(a) Helping to build federal and state institutions that function with accountability and inclusion;

(b) Supporting the establishment of regional and district governments, which are responsible for providing most basic services;

(c) Contributing to better public security and access to justice to replace impunity and mistrust in institutions;

(d) Expanding education and health services, in particular for children and vulnerable groups;

(e) Providing sustainable livelihood opportunities and promoting improved food security and natural resource management.

49. Human rights, gender equality and HIV/AIDS prevention, treatment and care will be mainstreamed throughout these core activities.

4. Security sector reform

50. The Somali people need significant support for comprehensive security sector reform, which is vital for the creation of a safe and secure environment. Capable Somali security forces, representative of all clans, are essential to achieving sustainable peace. The National Security and Stabilization Plan makes initial provisions for security sector reform. International partners are urgently required to support Somali efforts to restructure security and law enforcement services, the judiciary and correctional services. With the assistance of UNDP, encouraging progress has already been made in setting strategic priorities for the re-establishment of the Somali police force and judiciary. However, the volatile security situation has hindered the deployment of police and judiciary personnel to the capital and south-central regions.

51. The disarmament, demobilization and reintegration of militias and other armed groups will also be central to building sustainable peace and security in Somalia. The requirement for such a programme is recognized by the Transitional Federal Charter and the National Security and Stabilization Plan. The African Union Peace and Security Council mandated the Union's Mission in Somalia to provide, within their capabilities and as appropriate, technical and other support to the disarmament and stabilization effort. Should progress be made towards reconciliation and a conducive security environment be established, there will be a clear need to implement a voluntary national disarmament, demobilization and reintegration programme. United Nations support should be oriented towards helping establish

the conditions for a national programme and support for the implementation of the programme itself.

52. To that end, efforts will be required to, inter alia, provide the Transitional Federal Government with technical advice during the national reconciliation congress and in capacity-building for the disarmament and demobilization committee, which is envisaged in the Transitional Federal Charter but has yet to be formally established. Advocacy and other measures to prevent the recruitment and ensure the release of children associated with armed forces and groups should be instituted, as should plans to address the proliferation of weapons in Somalia through arms control programmes and other efforts to stem the illicit supply of weapons. In doing so, it will be important to take into account existing programmes in this field, such as those undertaken by UNDP. It will also be vital that early and concerted efforts be made towards the sustainable reintegration of former combatants.

G. Possibility of the deployment of a United Nations peacekeeping operation

53. The possibility, the usefulness and the applicability of a United Nations peacekeeping operation in Somalia depends on a number of factors, including: conditions on the ground; broad-based support for the Somali transitional process; the Transitional Federal Government's ability to include all segments of Somali society in a constructive dialogue for reconciliation; and progress in the political process. Past and current experiences show that peacekeeping operations are most likely to succeed and to play a positive role when they are based on clear objectives, are deployed in support of a political process and enjoy the broad consent of all major stakeholders. Through its meetings and visits, the assessment mission sought to assess whether these conditions existed or were anticipated in Somalia.

54. At the start of the assessment mission, most interlocutors expressed the belief that a window of opportunity existed for a political process to take root in Somalia, with the firm support of the international community, including through a peacekeeping operation. They noted that the Somali people appeared tired of conflict and ready for peace, and that they would welcome United Nations peacekeepers provided their deployment resulted in more stability, development and improved livelihoods. However, there were marked differences in the interlocutors' assessments of the present security situation and its future prospects. In addition, there was general recognition that a number of actors continued to profit from instability and the lack of a central government and therefore had little desire to see the situation improve.

55. Efforts such as the planned national reconciliation congress require a relatively stable and secure environment, which is currently not present in Mogadishu. There is an immediate need to secure an end to the fighting, possibly through a declaration on a cessation of hostilities and a commitment to peace by the Transitional Federal Government and all, or at least a majority of, the armed groups and communities in the capital. This declaration could follow a ceasefire in Mogadishu or constitute an outcome of the reconciliation process. Such a declaration and commitment would need to be supported by detailed technical implementation modalities that could be monitored and verified by a United Nations peacekeeping operation.

56. The willingness of all major clans and sub-clans to engage and make progress in a reconciliation process will be the best indicator for the possibility of a United Nations peacekeeping operation. However, the existence of such willingness remains unclear. Moreover, as witnessed in the past six months alone, the situation in Somalia remains very unpredictable, making it difficult to offer a definite recommendation at this point with regard to the possible deployment of a United Nations peacekeeping operation in support of the peace process.

57. In light of these considerations, the assessment mission has formulated two possible scenarios. On this basis, I should like to offer, for the consideration of the Security Council, corresponding options for United Nations or other engagement, depending on the scenarios that may materialize in the coming crucial months. Clearly, investment and engagement now, both in the African Union Mission and the reconciliation process, could influence subsequent events and the future scenario.

58. The first scenario envisages a situation in south-central Somalia in which hostilities have ceased and all or most armed groups and communities have signed an agreement that would allow for external monitoring. The security situation throughout south-central Somalia would be for the most part permissive, but fragile in Mogadishu. The reconciliation process would be broad, as inclusive as possible and ongoing. However, some elements, such as extremists or hardline Union of Islamic Courts remnants, could remain outside the process, resulting in some spoiler activity. Under this scenario, United Nations involvement would primarily focus on technical assistance to the reconciliation efforts and reconstruction and development, supported by an appropriate United Nations peacekeeping presence.

59. An integrated multidimensional United Nations mission could provide support to the transitional process, particularly through reconstruction and development; monitor and verify the provisions of an agreement on the cessation of hostilities; contribute to securing airports, seaports and lines of communication; monitor, investigate and report on the human rights situation; contribute to disarmament, demobilization and reintegration and security sector reform, including by providing assistance for building the capacity and integrity of the Somali police and other law enforcement agencies and support for the re-establishment of the judiciary and prisons; contribute to the prevention of the illicit passage of arms and materiel into Somalia in violation of the arms embargo; and protect United Nations personnel, assets and facilities. The size and configuration of the mission would depend on the details of the reconciliation agreements and would be subject to the prevailing political and security situation on the ground, and further detailed assessment. The mission would need a military component with land, maritime and air elements and a sizable civilian component, including civilian police. The mission would need both the mandate and the capability to deal with spoiler activity.

60. Under the second scenario, the political process would have made insufficient progress or would have failed altogether. In parallel, the security situation would remain highly volatile or have further deteriorated, with ongoing fighting between clans or between Transitional Federal Government forces and opposing elements. In such a semi- or non-permissive environment, the African Union Mission would find it difficult to operate and its ability to control the situation would be questionable. The deployment of a United Nations peacekeeping operation would not be possible or appropriate under this scenario, and alternative options, including peace enforcement, should be considered. An operation mandated by the United Nations,

mounted by and composed of a coalition of the willing with the appropriate capabilities to deal with the high paramilitary threat would be better suited to the circumstances of this scenario.

61. The Security Council should take into consideration the fact that a United Nations operation could deploy under the first scenario and then find the peace process beginning to unravel. In such an event, the security situation on the ground could rapidly deteriorate, with the attendant risk of a slide into the second scenario. To take this possibility into account, provision would need to be made in planning for a rapidly deployable capacity, over the horizon, to be activated in extremis to prevent mission failure.

62. Even in a best-case scenario, disarmament, demobilization and reintegration efforts would be challenging and would need to be tailored to the unique Somali situation, coordinated with security sector reform efforts and closely linked to a comprehensive political settlement. The efforts would also need to take into account district-based reconciliation and local governance initiatives. As a first step, disarmament, demobilization and reintegration efforts could involve agreement by all major armed groups to the storage of heavy weapons under United Nations control, while small arms could be registered. A significant small arms and light weapons control programme would need to follow disarmament, demobilization and reintegration.

63. A United Nations peacekeeping operation could help the Somali police force through capacity-building and direct security support through the deployment of formed police units in order to assist in the maintenance of law and order and the provision of effective policing services to their communities, taking into account existing United Nations police programmes under UNDP and integrating these efforts effectively. Any future United Nations operation should also include a human rights component, which would conduct activities including monitoring, investigating, reporting, advising and supporting human rights capacity development and awareness-raising, in coordination with other components of the mission and the United Nations country team. A United Nations operation would also ensure that the military and police contingents are trained in and follow rules of engagement and operating procedures in conformity with international human rights standards. The provision of United Nations support to the rule of law sector should be in accordance with the approach set forth in my predecessor's report on enhancing United Nations support for the rule of law (S/2006/980-A/61/636 and Corr.1).

64. In their discussions with the assessment mission, members of the United Nations country team expressed concern about the possible deployment of a United Nations peacekeeping operation in Somalia. They advised that a light integration of humanitarian coordination mechanisms should be pursued to ensure consistency between the functions of the mission and the humanitarian activities implemented by United Nations agencies outside of the mission and by the wider humanitarian community, so as to safeguard humanitarian principles and ensure an impartial and independent humanitarian space.

65. The deployment of a United Nations peacekeeping operation would not be without significant logistical challenges. Although there are many ports and airfields in Somalia, most are in poor condition and have limited facilities. Transportation, health services and communications infrastructure are lacking, although cellular

telephone coverage in Mogadishu is reportedly good. There is also a lack of local sources and contractors, which would result in a heavy reliance on maritime and air transport to support deployment and sustainment, in particular during the rainy seasons. The mission was cautioned that reliance on local contractors may jeopardize the security of the operation. Personnel numbers and the costs of any operation are likely to be high and additional military logistics capabilities would be required for several months in the early stages of the operation. Overall, to deploy and sustain a United Nations peacekeeping operation, air and sea ports and lines of communication would need to be secured. Considerable lead time and preparatory work would be required.

IV. Conclusions and recommendations

66. As was the case following the establishment of the transitional federal institutions in 2004, the current situation in Somalia provides an opportunity to re-establish solid institutions of governance and to finally turn the page on 16 years of instability and the subsequent suffering of the Somali people. The next few weeks and months will be critical. Concerted efforts and investment by the international community are urgently required to help stabilize Somalia and facilitate reconciliation and peace. While the challenges are considerable, there are political, humanitarian and regional security imperatives that can assist the Somali people in recovering from years of statelessness and to avoid a slide back into chaos and more violence.

67. It is important to reiterate that the primary responsibility for achieving peace and stability rests with the Somali leaders and people. They must demonstrate sufficient political will and leadership to overcome their differences and engage in an all-inclusive process, which remains essential for the success of all peace efforts in Somalia. The United Nations and the international community as a whole should continue to support genuine Somali-led dialogue and reconciliation efforts in Somalia as the basis for our collective efforts to promote sustainable peace, stability and reconstruction.

68. The planned national reconciliation congress is an important step in this direction. I urge the international community to provide political, technical and financial support to the congress. For its part, the United Nations intends to support the process, including through existing projects, by, inter alia, providing a team of technical advisers, including political, reconciliation, constitutional, governance, military, police, human rights and disarmament, demobilization and reintegration experts. The advisers will play a dual role: they will provide technical assistance to the process in support of the international advisory committee; and they will assist in monitoring and measuring progress in the preparation of the national reconciliation congress against a number of benchmarks, such as inclusiveness of the process, the security situation on the ground and the attainment of an agreement on a cessation of hostilities.

69. A well-prepared and sufficiently inclusive national reconciliation congress has the potential to play an important role in the broader process of addressing the past and building the future. It is essential that the congress proceed in conformity with international standards, including those outlined in my predecessor's report on the rule of law and transitional justice (S/2004/616). It is also important that the

Congress not be viewed as an end in itself but as part of an ongoing reconciliation and State-building process aimed at broadening the support base of the transitional federal institutions; strengthening the capacity of institutions to maintain security, restore the rule of law and deliver essential services to the people; fostering transitional justice; and assisting in the successful completion of the transition process as outlined in the Transitional Federal Charter. In addition to supporting the congress, it is essential to explore all possible avenues to promote inclusive dialogue and genuine reconciliation between the transitional federal institutions and all other stakeholders.

70. The international community should also urgently support the African Union with all means at its disposal. It is crucial that sufficient financial and logistical resources be provided to the African Union Military Observer Mission in Somalia to enable it to complete deployment and carry out its mandate effectively, thereby facilitating the withdrawal of the remaining Ethiopian forces and contributing to a more stable and secure environment in Somalia. Investment in the Mission now would both benefit and shape the subsequent requirement for international engagement in Somalia.

71. It is imperative to secure an immediate end to the fighting, through a cessation of hostilities and a commitment to peace by all stakeholders, supported by detailed technical implementation modalities. The pursuit of military solutions to stabilize Mogadishu is likely to be counterproductive, creating long-term resentment among certain clans and communities and damaging the prospects for the reconciliation process. There is also a need to dissuade some regional actors from contributing to instability and the proliferation of arms in Somalia, while encouraging positive contributions from others. I urge the international community, under the coordination of my Special Representative, to intensify their efforts in this regard. Continued close engagement of the United Nations with IGAD, the African Union and the League of Arab States is also essential to ensuring a common and coherent regional support for the Congress and other efforts aimed at promoting peace and reconciliation in Somalia.

72. I would like to recommend that the Security Council review the situation in Somalia again by mid-June 2007, with a view to determining whether the conditions are in place for the deployment of a United Nations peacekeeping operation, subject to progress in the reconciliation process and developments on the ground.

73. Notwithstanding the above, the Security Council may wish to consider authorizing the Secretariat to begin appropriate contingency planning for a possible operation in order to reduce the lead time required. Such planning should include the allocation of funds and the initiation of force generation to encourage firm pledges from troop- and police-contributing countries. Any deployment of staff and troops would remain subject to developments on the ground and a subsequent Council resolution establishing the mandate and size of a mission. It would also be essential to include the United Nations country team from the outset in any integrated planning process for a United Nations peacekeeping operation, to ensure that the operation would build on and coordinate with existing United Nations programmes in support of Somalia's humanitarian and reconstruction priorities.

74. With regard to disarmament, demobilization and reintegration of former combatants, the United Nations should start immediately with preparatory activities in anticipation of the establishment and implementation of a national programme in this area, subject to a comprehensive political settlement or security sector reform programme.

75. The success of reconciliation and peacebuilding efforts depends largely on whether Somalis rapidly perceive positive dividends. As a result, recovery and reconstruction initiatives are crucial to supporting reconciliation, peacebuilding and the consolidation of the transitional institutions. Effective implementation of the reconstruction and development programme would make a significant and positive impact on the lives of the Somali people and would contribute to deepening peace through reconciliation. Success in implementing the programme will require the full support of the international community. I urge donors to generously support the reconstruction and development programme, which should serve as the central framework for the implementation and coordination of all internationally supported, Somali-led recovery and reconstruction activities in Somalia. I also urge the transitional federal institutions to do their utmost to ensure the effective implementation of the programme.

76. It is also essential that the process of building and strengthening the transitional federal institutions be based on the strong and principled framework contained in the Transitional Federal Charter, including the international human rights instruments ratified by Somalia. The Transitional Federal Government has a primary responsibility to uphold these commitments. Twelve per cent of the seats in the Transitional Federal Parliament are reserved for women, and there is a provision for a cabinet minister for gender and family affairs. These provisions have not yet been implemented and there is a very limited participation rate of women in social and political spheres. These gaps need to be rectified. In addition, widespread gender-based violence and discrimination are issues which must be urgently addressed.

77. Since 1991, successive United Nations independent experts on the human rights situation in Somalia have been reporting on massive and systematic human rights violations in the country, which often amounted to international crimes. They have also recommended practical measures to enhance the capacity of relevant actors in Somalia to promote and protect human rights. Their recommendations should be used to inform a national programme in this area.

78. While the United Nations and its partners redouble their efforts to secure durable peace and stability in Somalia, it is essential that everything be done to meet the immediate humanitarian needs of the Somali population. I therefore urge donors to generously support emergency relief operations in the country through the United Nations consolidated appeals process for Somalia.

79. The provision of assistance to a large population dependent on humanitarian aid in a highly insecure environment demands the safeguarding of an impartial and independent humanitarian space and humanitarian principles. The establishment of an enabling environment for the delivery of humanitarian assistance and protection in Mogadishu and south-central Somalia needs to be supported by all parties, regardless of political considerations. United Nations agencies will continue to support grass-roots reconciliation initiatives to contribute to expanding humanitarian access. The United Nations Humanitarian Coordinator for Somalia will engage in a series of humanitarian diplomacy initiatives with relevant Somali stakeholders, including clan elders, the business community, religious and political leaders and women's groups, to help secure more humanitarian space in the country.

80. In conclusion, I would like to thank all the interlocutors of the United Nations technical assessment mission for the cooperation they extended to the team members during their consultations.

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Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)

I. Introduction

1. The Security Council, in paragraph 3 of its resolution 1744 (2007), requested that I assist the transitional federal institutions of Somalia with the convening of a national reconciliation congress, and, more widely, promote an ongoing all-inclusive political process, working together with the African Union, the League of Arab States and the Intergovernmental Authority on Development (IGAD). It also requested that I report back to the Council within 60 days of the adoption of the resolution on progress made by the transitional institutions in pursuing an all-inclusive political process and reconciliation.

2. In paragraph 9 of the same resolution, the Council further requested that I send a technical assessment mission to the headquarters of the African Union and to Somalia to report on the political and security situation and the possibility of a United Nations peacekeeping operation following the deployment of the African Union Mission in Somalia. It requested me to report to the Council, also within 60 days, with recommendations covering the further engagement of the United Nations in support of peace and security in Somalia and further recommendations on stabilization and reconstruction.

3. In accordance with resolution 1744 (2007), I dispatched a multidisciplinary technical assessment mission to the region from 15 to 26 March 2007, led by the Department of Political Affairs and comprising staff of the Department of Peacekeeping Operations, the United Nations Political Office for Somalia, the United Nations Development Group Office, the Department of Safety and Security, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Two representatives of the United Nations country team for Somalia, one from the United Nations Development Programme (UNDP) and the other from the Office for the Coordination of Humanitarian Affairs, also joined the mission.

4. The present report details the progress achieved in the all-inclusive political process and reconciliation, as requested by the Security Council in paragraph 3 of its resolution 1744 (2007). It also provides the key findings of the technical

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assessment mission dispatched in accordance with paragraph 9 of the resolution. The report concludes with recommendations for United Nations action in Somalia covering the political, security peacekeeping, humanitarian, human rights and reconstruction sectors.

II. Progress in the political process

5. The Transitional Federal Government was mandated under the Transitional Federal Charter to foster national reconciliation among Somalis through the establishment of an independent national reconciliation commission. The commission was mandated by the Transitional Federal Parliament in June 2006 to conceptualize and manage the reconciliation process at the district, regional and national levels.

6. Recent political and military developments, as described in my progress report dated 28 February 2007 (S/2007/115) and previous quarterly reports on Somalia submitted to the Security Council by my predecessor, have highlighted the need to broaden the political process and promote genuine reconciliation through an inclusive dialogue. There has been considerable pressure on the Transitional Federal Government, both by the international community and from within Somalia, to promote reconciliation involving all national stakeholders willing to renounce violence and abide by the Transitional Federal Charter.

7. Consequently, although it is not required under the Transitional Federal Charter, in January 2007 President Abdullahi Yusuf Ahmed proposed that a national reconciliation congress be organized, with representation along the lines of the clan-based power-sharing formula that was at the basis of the Somali National Reconciliation Conference, held in Eldoret and Mbagathi, Kenya, in 2002-2004, on which the Transitional Federal Charter is implicitly based. The 4.5 power-sharing formula provides for the equitable distribution of positions in the transitional institutions among the four main Somali clans (the Hawiye, the Darod, the Dir, and the Digil and Mirifle), with the remaining posts to be allocated to minority clans. The congress, which was scheduled to open in Mogadishu on 16 April 2007 for a 60-day period, with some 3,000 participants, is being rescheduled to a later date.

8. The proposed congress would provide an important opportunity to promote national reconciliation. However, it is only one element in a broader ongoing reconciliation process. While the Congress will be based on the 4.5 power-sharing formula, recent developments in Somalia suggest that a wider, more inclusive dialogue and reconciliation process will be required in order to incorporate all clans and sub-clans that are willing to engage with the transitional institutions within the political process in a peaceful and constructive manner, within the framework of the Charter, so as to widen the support base for the political process and make it more representative.

9. Reconciliation efforts at the district and regional levels are taking place with support from the United Nations and non-governmental organizations. These initiatives have contributed to maintaining some level of security outside Mogadishu, even while armed conflict has escalated in the capital. District-based efforts, which are vital to support an inclusive and participatory constitution-building process, will need to be expanded to assist in the establishment of local and

regional governance institutions and pave the way for elections at the end of the transition period.

10. On 14 March 2007, Prime Minister Ali Mohamed Ghedi presented to members of the international community the Transitional Federal Government's "Roadmap to governance, national dialogue and reconciliation in Somalia", which provided an overview and budget for the planned national reconciliation congress. Prime Minister Ghedi announced that the congress would be independently managed and guided by a six-member national governance and reconciliation committee headed by former President Ali Mahdi Mohamed.

11. My Special Representative, François Lonseny Fall, met with the Prime Minister on 25 March 2007 to discuss the preparations and support for the congress. They agreed on the composition of an international advisory committee to assist in the convening of the congress. The advisory committee includes representatives of the United Nations, the African Union, the League of Arab States, IGAD, the Presidency of the European Union, the European Commission, Belgium, Italy, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen.

12. The international advisory committee intends to work closely with the Chairman of the national governance and reconciliation committee on issues related to support of the planned congress. In addition, UNDP has established a mechanism for the channelling and coordination of financial assistance to the Congress.

13. In his regular contacts with the leadership of the transitional federal institutions, my Special Representative has continued to emphasize the need for them to engage in a meaningful manner with all Somali stakeholders with a view to achieving genuine national reconciliation.

14. My Special Representative has also been in contact with moderate leaders of the former Union of Islamic Courts, encouraging them to renounce violence, abide by the Transitional Federal Charter and engage in reconciliation with the Transitional Federal Government without preconditions. Some moderate leaders of the Union have expressed an interest in participating in the Congress but have insisted that they should do so as representatives of the Union. However, the Transitional Federal Government is insisting that the participation in the congress be in strict accordance with the 4.5 formula and that former Union members who renounce violence may participate in the Congress only as clan members, not as Union representatives. This view is widely shared among members of the international community.

15. My Special Representative has been working closely with members of the international community, including regional organizations, to foster and support an inclusive dialogue between the Government and other Somali stakeholders. He visited Cairo on 3 April 2007 to attend the seventh meeting of the International Contact Group on Somalia, on the sidelines of which he held extensive discussions with senior officials from the League of Arab States. He praised the role played by the League in sponsoring the Khartoum talks between the Transitional Federal Government and the Union and encouraged it to lend similar support for ongoing reconciliation efforts in Somalia, including for the planned congress. My Special Representative will also be meeting representatives from IGAD and the African Union to solicit their political support in this regard. He is urging these

organizations, which have played a critical role in promoting peace and stability in Somalia, to continue to engage to ensure the success of reconciliation efforts.

III. Key findings of the technical assessment mission

A. Activities of the mission

16. The United Nations technical assessment mission was led by the Assistant Secretary-General for Political Affairs. The mission began at the headquarters of the African Union in Addis Ababa, on 15 March 2007, with consultations with the Chairperson of the Commission of the Union, the Commissioner for Peace and Security and senior Union officials. The mission also met with the Minister for Foreign Affairs and the Minister of Defence of Ethiopia, as well as with the United Nations country team for Ethiopia and the United Nations Mission in Ethiopia and Eritrea (UNMEE). In Nairobi, the mission met with the United Nations country team for Somalia and representatives of international non-governmental organizations, the World Bank and the United Nations Political Office for Somalia as well as with the Ministers of Defence and Public Security and the Assistant Minister for Foreign Affairs of Kenya. The mission received a briefing from the monitoring group on the United Nations arms embargo on Somalia and met with members of the diplomatic community, both in Addis Ababa and Nairobi. Individual members of the mission also held technical meetings with their governmental counterparts and with partner organizations.

17. The mission travelled to Baidoa for consultations with Prime Minister Ghedi, the Speaker of the Transitional Federal Parliament, and with the authorities responsible for security, army and police matters. Despite two separate attempts to visit Mogadishu to meet with President Yusuf, the Force Commander of the African Union Mission in Somalia and representatives of civil society, the security situation prevented the team from travelling to the capital. A small technical team visited Galcayo and met with local authorities and civil society representatives. The mission visited Kampala where it met with President Museveni, the Minister of Defence, the Minister for Foreign Affairs and the Minister of State for Foreign Affairs in charge of regional cooperation of Uganda. The mission completed its work in Addis Ababa on 26 March, following further consultations with the Chairperson of the Commission of the African Union.

B. Political and security overview

18. Somalia has been in a state of conflict, without a functional central Government, for almost 16 years, in spite of the organization of 14 separate peace initiatives, the most recent being the IGAD-led Somali National Reconciliation Conference, held in Eldoret and Mbagathi, Kenya, from 2002 to 2004. That process led to the establishment of the current transitional federal institutions in 2004. From the beginning, the institutions have faced major crises and divisions among their leadership. The Transitional Federal Parliament convened in Baidoa in February 2006, but the Government was unable to extend its authority much beyond the city.

19. In May 2006, conflict broke out between the Alliance for the Restoration of Peace and Counter-Terrorism, comprising several Mogadishu-based warlords, and

the Union of Islamic Courts. The Union defeated the Alliance and expanded its authority beyond Mogadishu. Peace talks organized by the League of Arab States in the second half of 2006 failed to result in a power-sharing agreement between the Transitional Federal Government and the Union. On 22 December 2006, intense fighting broke out near Baidoa between the Union and Transitional Federal Government forces supported by Ethiopian troops. The Union was quickly dislodged from the capital and other areas of south-central Somalia. The Transitional Federal Parliament subsequently approved the relocation of the transitional federal institutions from Baidoa to Mogadishu, although key questions of security and reconciliation remain unresolved.

20. During consultations with its interlocutors, the assessment mission often heard that, while the current situation in Somalia provided a window of opportunity to re-establish effective institutions of governance and advance implementation of the Transitional Federal Charter, it also carried significant risks of renewed and prolonged instability. While "Somaliland" and "Puntland" remain stable, the security situation in south-central Somalia is volatile and has recently deteriorated.

21. Since early January 2007, there have been frequent attacks on Ethiopian and Transitional Federal Government troops in Mogadishu, either against convoys travelling on key routes in the city or against troop locations and official residences, including hotels. There has been an increase in targeted assassinations of persons, including those suspected of being informers or supporters of the Government, and prominent figures. Buildings that house Ethiopian and Transitional Federal Government troops have been subjected to mortar attacks, as have the Mogadishu airport, the main seaport and Villa Somalia, the official State House in the capital. There has been a resurgence of inter- and intra-clan fighting in Mogadishu and elsewhere in Somalia.

22. Threatening anonymous letters, warning against flights into Mogadishu airport, have been sent to aircraft operators. The authors of the letters claimed that they had the capacity to shoot down aircraft. On 9 March 2007, an aircraft deploying troops of the African Union Mission in Somalia was reportedly shot at, upon landing at Mogadishu airport, damaging the aircraft but causing no casualties. On 23 March 2007, an aircraft contracted by the Union appears to have been shot down on take-off from Mogadishu airport, killing 11 passengers and crew members.

23. On 20 March 2007, a United Nations convoy was attacked by use of a roadside bomb and small arms fire some 30 kilometres from Mogadishu on the road from Baidoa. Three Somalis who were providing protection to United Nations staff were injured in the attack. This incident was the first direct attack on the United Nations in Somalia in recent times. The use of roadside bombs, vehicle-borne explosives and suicide bombing is growing in Somalia. On 21 March 2007, Transitional Federal Government forces, supported by Ethiopian troops, commenced operations in Mogadishu with the aim of disarming militias and the population and removing insurgents. This initiative resulted in heavy fighting within Mogadishu and caused thousands of civilians to leave the city for safer areas.

24. The United Nations security phases in effect in Somalia are indicative of the security situation. Mogadishu and the district of Badhadwe are in phase five (evacuation of all United Nations staff), and the remainder of Somalia is in phase four (emergency operations only), except for the western part of "Somaliland", which is in phase three. Somalia presents one of the most challenging security

environments worldwide: threats include protracted inter-clan conflicts, banditry and terrorist attacks.

25. On 5 January 2007, an Al-Qaida video urged Somalis and foreign fighters to use Iraqi and Afghan-style suicide and roadside bombings to drive Ethiopian troops out of Somalia, identifying Somalia as a sacred Muslim land. The video did not, however, specifically mention the African Union Mission or the United Nations.

26. Insurgents are reportedly regrouping and may increase their activities against the Transitional Federal Government and Ethiopian troops. Active combatants against the Government in Mogadishu are estimated to number about 3,000, including foreign fighters. In addition, small arms, heavier calibre weapons, surface-to-air missiles and ammunition are widely available in Somalia and continue to flow into the country.

27. It is in the above context that the national reconciliation congress, described in the first section of the present report, is being planned. While the assessment mission found significant support for the congress, several interlocutors expressed concern that many organizational aspects of the congress remained unresolved, including security arrangements, logistics, the selection criteria of the participants and the necessary outreach to explain the objectives to the wider Somali population. Many observers believed it would be unrealistic to bring some 3,000 participants and provide for their security in Mogadishu. Concerns were also expressed as to whether the national governance and reconciliation committee would be able to organize the congress independently, without interference on the part of the Transitional Federal Government, particularly in the delegate selection process. There was wide consensus that a phased withdrawal of Ethiopian troops and the rapid deployment of the African Union Mission at full strength would help build confidence among Mogadishu's population and help ease tensions to enable reconciliation.

28. There was no consensus as to what constitutes all-inclusive broad-based and representative institutions in the Somali context. While some interlocutors expressed the view that the issue of inclusiveness in the transitional institutions was resolved by the Charter through the 4.5 formula, others believed that the implementation of the formula at the sub-clan level should be improved, while remaining within the framework of the Charter. While the power-sharing provision was accepted by the participants at the Conference in Mbagathi, some clans and sub-clans, especially the Habr-Gedir Ayr, feel that they have not been effectively represented in the transitional institutions. At the same time, the transitional institutions have been unable to meet the expectations of the population. Many interlocutors stressed the urgent need for more support to, and better performance by, the transitional federal institutions.

29. The assessment mission's interlocutors were divided with regard to the participation of the former Union of Islamic Courts in the national reconciliation congress. Some interlocutors, including the Transitional Federal Government, warned that inviting the Union as an entity would be tantamount to resuscitating and legitimizing an extremist group that had been defeated and dissolved. In addition, the Government stressed that moderate Islamist elements could join the congress in their individual capacities and on the basis of their clan and sub-clan structures. Others, fearing the capacity of the remnants of the Union to destabilize Somalia,

advocated for the inclusion of moderate elements who renounce violence and accept the Transitional Federal Charter.

30. There is broad agreement within the international community that without an all-inclusive political dialogue and reconciliation process, the African Union Mission, or a possible future United Nations peacekeeping force, is unlikely to bring about sustainable peace in Somalia. Several interlocutors were also of the opinion that, as the conflict in Somalia largely revolves around economic resources and political power, not ideology, the sooner the international community bolstered its economic assistance to the Somali people and supported efforts to restore the authority of the State to assume the management of the country's resources, the greater would be the chances of securing sustainable peace.

C. Deployment and operations of the African Union Mission in Somalia

31. The African Union should be commended for its strong determination to contribute to the stability of Somalia, which is essential for fostering reconciliation. The deployment of the African Union Mission in Somalia in such a challenging and volatile security environment is a daunting task that requires and deserves the full support of the international community.

32. The communiqué of the African Union Peace and Security Council of 19 January 2007, which authorized the establishment of the Mission, provided for the deployment, in four phases, of nine infantry battalions, supported by maritime and air components, and civilian personnel and a 270-member police training team. To date, the African Union has received pledges for approximately half of the 8,000 troops authorized for the Mission. So far, only Uganda has sent troops to Somalia, with the deployment of two battalions and a force headquarters into Mogadishu in early March 2007. The Ugandan troops are presently based at Mogadishu airport, where they have been conducting security tasks in and around the airfield. With the arrival of the Mission's heavy equipment, they have begun to expand their patrolling activity in the capital. Future tasks could include relieving the Ethiopian troops presently securing the city's seaport. With regard to the planned police component, the African Union has yet to develop a concept of operations or to receive pledges from member States.

33. The African Union is facing a considerable challenge in raising the forces required, with the necessary equipment and logistical support provided by designated partners, and the necessary resources to finance the operation. The African Union urgently needs to reinforce the Ugandan contingent in order to facilitate the withdrawal of the remaining Ethiopian forces and to expand its area of operations both within Mogadishu and beyond to complete the first of the operation's anticipated four phases. In addition to this urgent financial and logistical support, the African Union needs assistance to strengthen its headquarters capacity to further plan, deploy and manage its operation in Somalia. The Union has approached the United Nations and other partners to assist in staffing its mission planning and management capacity structure, based in Addis Ababa. The United Nations has done its utmost to meet the Union's request and 10 military, police and civilian experts are in the process of being deployed to the Union's headquarters.

34. In meetings with the assessment mission, the African Union leadership urged, and expected, the United Nations to be ready to quickly take over peacekeeping responsibilities from the Mission. The Union further urged the United Nations to consider another vision of engagement, whereby troops might not be needed, but rather resources and management structures could be contributed by the Organization in support of African Union troops. The United Nations plans to maintain close liaison with the African Union and its Mission and is prepared to conduct joint planning to assist the Union and prepare for any future United Nations operation. In addition to the planning officers mentioned above, the United Nations could also provide finance and logistics experts and liaison officers to be the Union's headquarters to assist in the management of the Mission's operation and to facilitate coordination and partnership for the Somalia operation.

D. Humanitarian situation

35. Insecurity increases the vulnerability of Somali populations, who have been suffering from the compounded effects of civil conflicts and natural disasters. The humanitarian situation in Somalia has been further aggravated by the recent escalation of violence. Some 124,000 people have fled Mogadishu since February 2007. Of those, at least 47,000 have fled since 21 March. This was the fifth wave of displacement since 2006, triggered either by conflict or natural disasters.

36. The post-Deyr survey, led by the Food Security Assessment Unit of the Food and Agriculture Organization of the United Nations (FAO), estimated that some 1 million Somalis, including 400,000 internally displaced persons, would be in need of assistance and protection over the next six months, compared to the 1.8 million people in need identified in 2006. Despite the overall improvement, Somalia remains chronically food insecure, particularly in the Gedo, Middle and Lower Juba regions.

37. The provision of assistance in a highly insecure environment characterized by scant access remains the main challenge for the humanitarian community. In January 2007, the United Nations Humanitarian Coordinator for Somalia requested the Transitional Federal Government to allow the immediate use of a number of airstrips, including the K-50 airstrip near Mogadishu, for humanitarian flights. The Transitional Federal Government is questioning the insistence of the United Nations in using the K-50 airstrip as opposed to Mogadishu's international airport. As road access in south-central Somalia might become increasingly difficult owing to the rains due with the beginning of the *gu* season, the reopening of the K-50 airstrip is vital if the Organization is to respond to the needs of internally displaced persons. Meanwhile, Jowhar and Kismayo airports are open, and day missions for United Nations staff are possible. Delays by Kenyan border authorities in fully implementing their Government's directive to facilitate cross-border operations into Somalia further hinder relief efforts. Since the Kenyan border with Somalia remains closed, Somalis continue to be prevented from seeking asylum and refuge. In order to respond effectively within the evolving environment, the humanitarian community is taking a number of steps, including:

(a) Moving towards a needs-based approach and away from an access-based approach to the provision of assistance;

(b) Stepping up investment in security to enable the rehabilitation of United Nations compounds and an increase of personnel to be fielded in Mogadishu and south-central Somalia;

(c) Increasing investment in south-central Somalia, where the bulk of humanitarian needs is found, and encouraging more international partners to be active in this area.

38. To ensure principled action and a "do no harm" approach, the humanitarian community is developing a set of joint operating principles to promote behaviour in line with humanitarian principles and to avoid the political use of humanitarian aid.

E. Human rights situation

39. Detailed information and data about the human rights situation in Somalia, in particular in south-central Somalia, remains difficult to obtain owing to insecurity and the relative weakness of independent actors conducting systematic information collection activities on the ground. It is, however, possible to identify some general human rights trends based on the available material. Long-term economic, social and cultural rights violations, including widespread impoverishment of the population, are compounded by serious civil and political rights violations perpetrated by all parties, which have created an alarming human rights situation. Civilians continue to be exposed to indiscriminate violence, in particular in south-central Somalia. In the absence of law and order, they are often caught in the crossfire and are subjected to forced displacement.

40. Freedom of expression and opinion and threats to the media remain issues of serious concern. Unresolved land and property rights issues are often the root cause of clan-based conflicts. Discrimination and abuse of marginalized groups and minorities continue unabated. Sexual abuse and exploitation of women and the recruitment of children into armed groups are further concerns. In the absence of mechanisms for the protection of human rights defenders, Somali human rights organizations continue to operate in a context of insecurity and fear. The efforts of human rights defenders and independent journalists in Somalia must be respected and protected by the transitional institutions and supported by the international community.

41. The Transitional Federal Charter contains many positive human rights provisions, including specific reference to international human rights treaties ratified by Somalia. Implementation of these provisions is, however, severely lacking. The transitional institutions, including the judiciary, remain weak, while the Transitional Federal Government has minimal capacity for law enforcement and the protection of people's rights. Customary law, sharia and various national legal standards are applied arbitrarily in the absence of a national legal framework. The drafting of a national constitution will be an important next step in building a legal framework with strong provisions for the protection of all human rights.

42. With regard to the African Union Mission, I note that the Union has welcomed human rights training and the establishment and enforcement of a code of conduct for the military contingent. I also welcome the fact that the plan for the civilian contingent of the Mission contains provisions for a human rights component.

F. Development and reconstruction efforts

1. Reconstruction and development programme for Somalia

43. A post-conflict needs assessment exercise for Somalia, known as the joint needs assessment, was launched in early 2005 with the objective of assessing needs and developing a prioritized set of reconstruction and development initiatives to support Somali-led efforts to deepen peace and reduce poverty. The consultative process involved the Transitional Federal Government, local and traditional authorities, parliamentarians, civil society organizations, the private sector, and religious leaders. The United Nations, the World Bank and major traditional donors for Somalia were committed to and actively involved in coordinating the process.

44. Based on the findings of the joint needs assessment, a reconstruction and development programme for Somalia is now in the final phases of consultation and revision. The programme lays out a framework of agreed and sequenced national priorities, which can be drawn on by national and international partners to develop their own responses to the needs in Somalia. It includes a fully costed results-based matrix for five years, starting in 2008, totalling $2.25 billion. The overarching goal of the programme is to deepen peace and reduce poverty. Key processes for stabilization, such as strengthening national police, disarmament, demobilization and reintegration, constitutional reform and reconciliation, are all included in the programme. To respond to the different situations existing within south-central Somalia, "Puntland" and "Somaliland", the programme includes three volumes, one for each of these geographic areas.

2. United Nations country team priorities in 2007

45. In early 2007, the United Nations country team recognized that a rare opportunity existed for the transitional federal institutions to consolidate themselves and for the Government to extend its authority and enhance its credibility with the Somali people. A number of priorities were identified, aimed at providing quick and concrete assistance for the Somali people, in line with the priorities of the reconstruction and development programme and complementary to those outlined in the consolidated appeals process. The overall objective is to support stabilization in Somalia through strengthened transitional federal institutions, in particular those responsible for rule of law and security, an aim which can only be achieved through inclusive dialogue for reconciliation, and the provision of urgent services to the population so as to achieve noticeable improvements in the lives of Somalis.

46. The focus is on: providing basic support to establish the main institutions and local administrations in key regions; strengthening the national police force through institutional capacity-building, the provision of training and equipment and implementing of disarmament, demobilization and reintegration, if possible; providing urgent basic social services, education and essential health services; helping find solutions for internally displaced persons who have been living in Mogadishu's public buildings for a decade; and helping to create employment opportunities. While international partners were generally supportive of the broad outlines of the priorities, funding has not been forthcoming. Events since then have posed operational challenges to implementation, especially in Mogadishu. Despite these constraints, notable progress has been made in most sectors, including early recovery.

3. United Nations transition plan 2008-2009

47. The United Nations country team is also planning its strategy for support to the reconstruction and development programme in 2008-2009. A United Nations transition plan is focused on supporting a transition in Somalia from conflict to peace and from crisis to recovery and longer-term development.

48. Assuming that the situation remains volatile and uncertain through the rest of the transition period, the United Nations country team has identified five core areas for support to Somalis in building a durable peace and starting the reconstruction and development of their country. These core areas are aimed at:

(a) Helping to build federal and state institutions that function with accountability and inclusion;

(b) Supporting the establishment of regional and district governments, which are responsible for providing most basic services;

(c) Contributing to better public security and access to justice to replace impunity and mistrust in institutions;

(d) Expanding education and health services, in particular for children and vulnerable groups;

(e) Providing sustainable livelihood opportunities and promoting improved food security and natural resource management.

49. Human rights, gender equality and HIV/AIDS prevention, treatment and care will be mainstreamed throughout these core activities.

4. Security sector reform

50. The Somali people need significant support for comprehensive security sector reform, which is vital for the creation of a safe and secure environment. Capable Somali security forces, representative of all clans, are essential to achieving sustainable peace. The National Security and Stabilization Plan makes initial provisions for security sector reform. International partners are urgently required to support Somali efforts to restructure security and law enforcement services, the judiciary and correctional services. With the assistance of UNDP, encouraging progress has already been made in setting strategic priorities for the re-establishment of the Somali police force and judiciary. However, the volatile security situation has hindered the deployment of police and judiciary personnel to the capital and south-central regions.

51. The disarmament, demobilization and reintegration of militias and other armed groups will also be central to building sustainable peace and security in Somalia. The requirement for such a programme is recognized by the Transitional Federal Charter and the National Security and Stabilization Plan. The African Union Peace and Security Council mandated the Union's Mission in Somalia to provide, within their capabilities and as appropriate, technical and other support to the disarmament and stabilization effort. Should progress be made towards reconciliation and a conducive security environment be established, there will be a clear need to implement a voluntary national disarmament, demobilization and reintegration programme. United Nations support should be oriented towards helping establish

the conditions for a national programme and support for the implementation of the programme itself.

52. To that end, efforts will be required to, inter alia, provide the Transitional Federal Government with technical advice during the national reconciliation congress and in capacity-building for the disarmament and demobilization committee, which is envisaged in the Transitional Federal Charter but has yet to be formally established. Advocacy and other measures to prevent the recruitment and ensure the release of children associated with armed forces and groups should be instituted, as should plans to address the proliferation of weapons in Somalia through arms control programmes and other efforts to stem the illicit supply of weapons. In doing so, it will be important to take into account existing programmes in this field, such as those undertaken by UNDP. It will also be vital that early and concerted efforts be made towards the sustainable reintegration of former combatants.

G. Possibility of the deployment of a United Nations peacekeeping operation

53. The possibility, the usefulness and the applicability of a United Nations peacekeeping operation in Somalia depends on a number of factors, including: conditions on the ground; broad-based support for the Somali transitional process; the Transitional Federal Government's ability to include all segments of Somali society in a constructive dialogue for reconciliation; and progress in the political process. Past and current experiences show that peacekeeping operations are most likely to succeed and to play a positive role when they are based on clear objectives, are deployed in support of a political process and enjoy the broad consent of all major stakeholders. Through its meetings and visits, the assessment mission sought to assess whether these conditions existed or were anticipated in Somalia.

54. At the start of the assessment mission, most interlocutors expressed the belief that a window of opportunity existed for a political process to take root in Somalia, with the firm support of the international community, including through a peacekeeping operation. They noted that the Somali people appeared tired of conflict and ready for peace, and that they would welcome United Nations peacekeepers provided their deployment resulted in more stability, development and improved livelihoods. However, there were marked differences in the interlocutors' assessments of the present security situation and its future prospects. In addition, there was general recognition that a number of actors continued to profit from instability and the lack of a central government and therefore had little desire to see the situation improve.

55. Efforts such as the planned national reconciliation congress require a relatively stable and secure environment, which is currently not present in Mogadishu. There is an immediate need to secure an end to the fighting, possibly through a declaration on a cessation of hostilities and a commitment to peace by the Transitional Federal Government and all, or at least a majority of, the armed groups and communities in the capital. This declaration could follow a ceasefire in Mogadishu or constitute an outcome of the reconciliation process. Such a declaration and commitment would need to be supported by detailed technical implementation modalities that could be monitored and verified by a United Nations peacekeeping operation.

56. The willingness of all major clans and sub-clans to engage and make progress in a reconciliation process will be the best indicator for the possibility of a United Nations peacekeeping operation. However, the existence of such willingness remains unclear. Moreover, as witnessed in the past six months alone, the situation in Somalia remains very unpredictable, making it difficult to offer a definite recommendation at this point with regard to the possible deployment of a United Nations peacekeeping operation in support of the peace process.

57. In light of these considerations, the assessment mission has formulated two possible scenarios. On this basis, I should like to offer, for the consideration of the Security Council, corresponding options for United Nations or other engagement, depending on the scenarios that may materialize in the coming crucial months. Clearly, investment and engagement now, both in the African Union Mission and the reconciliation process, could influence subsequent events and the future scenario.

58. The first scenario envisages a situation in south-central Somalia in which hostilities have ceased and all or most armed groups and communities have signed an agreement that would allow for external monitoring. The security situation throughout south-central Somalia would be for the most part permissive, but fragile in Mogadishu. The reconciliation process would be broad, as inclusive as possible and ongoing. However, some elements, such as extremists or hardline Union of Islamic Courts remnants, could remain outside the process, resulting in some spoiler activity. Under this scenario, United Nations involvement would primarily focus on technical assistance to the reconciliation efforts and reconstruction and development, supported by an appropriate United Nations peacekeeping presence.

59. An integrated multidimensional United Nations mission could provide support to the transitional process, particularly through reconstruction and development; monitor and verify the provisions of an agreement on the cessation of hostilities; contribute to securing airports, seaports and lines of communication; monitor, investigate and report on the human rights situation; contribute to disarmament, demobilization and reintegration and security sector reform, including by providing assistance for building the capacity and integrity of the Somali police and other law enforcement agencies and support for the re-establishment of the judiciary and prisons; contribute to the prevention of the illicit passage of arms and materiel into Somalia in violation of the arms embargo; and protect United Nations personnel, assets and facilities. The size and configuration of the mission would depend on the details of the reconciliation agreements and would be subject to the prevailing political and security situation on the ground, and further detailed assessment. The mission would need a military component with land, maritime and air elements and a sizable civilian component, including civilian police. The mission would need both the mandate and the capability to deal with spoiler activity.

60. Under the second scenario, the political process would have made insufficient progress or would have failed altogether. In parallel, the security situation would remain highly volatile or have further deteriorated, with ongoing fighting between clans or between Transitional Federal Government forces and opposing elements. In such a semi- or non-permissive environment, the African Union Mission would find it difficult to operate and its ability to control the situation would be questionable. The deployment of a United Nations peacekeeping operation would not be possible or appropriate under this scenario, and alternative options, including peace enforcement, should be considered. An operation mandated by the United Nations,

mounted by and composed of a coalition of the willing with the appropriate capabilities to deal with the high paramilitary threat would be better suited to the circumstances of this scenario.

61. The Security Council should take into consideration the fact that a United Nations operation could deploy under the first scenario and then find the peace process beginning to unravel. In such an event, the security situation on the ground could rapidly deteriorate, with the attendant risk of a slide into the second scenario. To take this possibility into account, provision would need to be made in planning for a rapidly deployable capacity, over the horizon, to be activated in extremis to prevent mission failure.

62. Even in a best-case scenario, disarmament, demobilization and reintegration efforts would be challenging and would need to be tailored to the unique Somali situation, coordinated with security sector reform efforts and closely linked to a comprehensive political settlement. The efforts would also need to take into account district-based reconciliation and local governance initiatives. As a first step, disarmament, demobilization and reintegration efforts could involve agreement by all major armed groups to the storage of heavy weapons under United Nations control, while small arms could be registered. A significant small arms and light weapons control programme would need to follow disarmament, demobilization and reintegration.

63. A United Nations peacekeeping operation could help the Somali police force through capacity-building and direct security support through the deployment of formed police units in order to assist in the maintenance of law and order and the provision of effective policing services to their communities, taking into account existing United Nations police programmes under UNDP and integrating these efforts effectively. Any future United Nations operation should also include a human rights component, which would conduct activities including monitoring, investigating, reporting, advising and supporting human rights capacity development and awareness-raising, in coordination with other components of the mission and the United Nations country team. A United Nations operation would also ensure that the military and police contingents are trained in and follow rules of engagement and operating procedures in conformity with international human rights standards. The provision of United Nations support to the rule of law sector should be in accordance with the approach set forth in my predecessor's report on enhancing United Nations support for the rule of law (S/2006/980-A/61/636 and Corr.1).

64. In their discussions with the assessment mission, members of the United Nations country team expressed concern about the possible deployment of a United Nations peacekeeping operation in Somalia. They advised that a light integration of humanitarian coordination mechanisms should be pursued to ensure consistency between the functions of the mission and the humanitarian activities implemented by United Nations agencies outside of the mission and by the wider humanitarian community, so as to safeguard humanitarian principles and ensure an impartial and independent humanitarian space.

65. The deployment of a United Nations peacekeeping operation would not be without significant logistical challenges. Although there are many ports and airfields in Somalia, most are in poor condition and have limited facilities. Transportation, health services and communications infrastructure are lacking, although cellular

telephone coverage in Mogadishu is reportedly good. There is also a lack of local sources and contractors, which would result in a heavy reliance on maritime and air transport to support deployment and sustainment, in particular during the rainy seasons. The mission was cautioned that reliance on local contractors may jeopardize the security of the operation. Personnel numbers and the costs of any operation are likely to be high and additional military logistics capabilities would be required for several months in the early stages of the operation. Overall, to deploy and sustain a United Nations peacekeeping operation, air and sea ports and lines of communication would need to be secured. Considerable lead time and preparatory work would be required.

IV. Conclusions and recommendations

66. As was the case following the establishment of the transitional federal institutions in 2004, the current situation in Somalia provides an opportunity to re-establish solid institutions of governance and to finally turn the page on 16 years of instability and the subsequent suffering of the Somali people. The next few weeks and months will be critical. Concerted efforts and investment by the international community are urgently required to help stabilize Somalia and facilitate reconciliation and peace. While the challenges are considerable, there are political, humanitarian and regional security imperatives that can assist the Somali people in recovering from years of statelessness and to avoid a slide back into chaos and more violence.

67. It is important to reiterate that the primary responsibility for achieving peace and stability rests with the Somali leaders and people. They must demonstrate sufficient political will and leadership to overcome their differences and engage in an all-inclusive process, which remains essential for the success of all peace efforts in Somalia. The United Nations and the international community as a whole should continue to support genuine Somali-led dialogue and reconciliation efforts in Somalia as the basis for our collective efforts to promote sustainable peace, stability and reconstruction.

68. The planned national reconciliation congress is an important step in this direction. I urge the international community to provide political, technical and financial support to the congress. For its part, the United Nations intends to support the process, including through existing projects, by, inter alia, providing a team of technical advisers, including political, reconciliation, constitutional, governance, military, police, human rights and disarmament, demobilization and reintegration experts. The advisers will play a dual role: they will provide technical assistance to the process in support of the international advisory committee; and they will assist in monitoring and measuring progress in the preparation of the national reconciliation congress against a number of benchmarks, such as inclusiveness of the process, the security situation on the ground and the attainment of an agreement on a cessation of hostilities.

69. A well-prepared and sufficiently inclusive national reconciliation congress has the potential to play an important role in the broader process of addressing the past and building the future. It is essential that the congress proceed in conformity with international standards, including those outlined in my predecessor's report on the rule of law and transitional justice (S/2004/616). It is also important that the

Congress not be viewed as an end in itself but as part of an ongoing reconciliation and State-building process aimed at broadening the support base of the transitional federal institutions; strengthening the capacity of institutions to maintain security, restore the rule of law and deliver essential services to the people; fostering transitional justice; and assisting in the successful completion of the transition process as outlined in the Transitional Federal Charter. In addition to supporting the congress, it is essential to explore all possible avenues to promote inclusive dialogue and genuine reconciliation between the transitional federal institutions and all other stakeholders.

70. The international community should also urgently support the African Union with all means at its disposal. It is crucial that sufficient financial and logistical resources be provided to the African Union Mission in Somalia to enable it to complete deployment and carry out its mandate effectively, thereby facilitating the withdrawal of the remaining Ethiopian forces and contributing to a more stable and secure environment in Somalia. Investment in the Mission now would both benefit and shape the subsequent requirement for international engagement in Somalia.

71. It is imperative to secure an immediate end to the fighting, through a cessation of hostilities and a commitment to peace by all stakeholders, supported by detailed technical implementation modalities. The pursuit of military solutions to stabilize Mogadishu is likely to be counterproductive, creating long-term resentment among certain clans and communities and damaging the prospects for the reconciliation process. There is also a need to dissuade some regional actors from contributing to instability and the proliferation of arms in Somalia, while encouraging positive contributions from others. I urge the international community, under the coordination of my Special Representative, to intensify their efforts in this regard. Continued close engagement of the United Nations with IGAD, the African Union and the League of Arab States is also essential to ensuring a common and coherent regional support for the Congress and other efforts aimed at promoting peace and reconciliation in Somalia.

72. I would like to recommend that the Security Council review the situation in Somalia again by mid-June 2007, with a view to determining whether the conditions are in place for the deployment of a United Nations peacekeeping operation, subject to progress in the reconciliation process and developments on the ground.

73. Notwithstanding the above, the Security Council may wish to consider authorizing the Secretariat to begin appropriate contingency planning for a possible operation in order to reduce the lead time required. Such planning should include the allocation of funds and the initiation of force generation to encourage firm pledges from troop- and police-contributing countries. Any deployment of staff and troops would remain subject to developments on the ground and a subsequent Council resolution establishing the mandate and size of a mission. It would also be essential to include the United Nations country team from the outset in any integrated planning process for a United Nations peacekeeping operation, to ensure that the operation would build on and coordinate with existing United Nations programmes in support of Somalia's humanitarian and reconstruction priorities.

74. With regard to disarmament, demobilization and reintegration of former combatants, the United Nations should start immediately with preparatory activities in anticipation of the establishment and implementation of a national programme in this area, subject to a comprehensive political settlement or security sector reform programme.

75. The success of reconciliation and peacebuilding efforts depends largely on whether Somalis rapidly perceive positive dividends. As a result, recovery and reconstruction initiatives are crucial to supporting reconciliation, peacebuilding and the consolidation of the transitional institutions. Effective implementation of the reconstruction and development programme would make a significant and positive impact on the lives of the Somali people and would contribute to deepening peace through reconciliation. Success in implementing the programme will require the full support of the international community. I urge donors to generously support the reconstruction and development programme, which should serve as the central framework for the implementation and coordination of all internationally supported, Somali-led recovery and reconstruction activities in Somalia. I also urge the transitional federal institutions to do their utmost to ensure the effective implementation of the programme.

76. It is also essential that the process of building and strengthening the transitional federal institutions be based on the strong and principled framework contained in the Transitional Federal Charter, including the international human rights instruments ratified by Somalia. The Transitional Federal Government has a primary responsibility to uphold these commitments. Twelve per cent of the seats in the Transitional Federal Parliament are reserved for women, and there is a provision for a cabinet minister for gender and family affairs. These provisions have not yet been implemented and there is a very limited participation rate of women in social and political spheres. These gaps need to be rectified. In addition, widespread gender-based violence and discrimination are issues which must be urgently addressed.

77. Since 1991, successive United Nations independent experts on the human rights situation in Somalia have been reporting on massive and systematic human rights violations in the country, which often amounted to international crimes. They have also recommended practical measures to enhance the capacity of relevant actors in Somalia to promote and protect human rights. Their recommendations should be used to inform a national programme in this area.

78. While the United Nations and its partners redouble their efforts to secure durable peace and stability in Somalia, it is essential that everything be done to meet the immediate humanitarian needs of the Somali population. I therefore urge donors to generously support emergency relief operations in the country through the United Nations consolidated appeals process for Somalia.

79. The provision of assistance to a large population dependent on humanitarian aid in a highly insecure environment demands the safeguarding of an impartial and independent humanitarian space and humanitarian principles. The establishment of an enabling environment for the delivery of humanitarian assistance and protection in Mogadishu and south-central Somalia needs to be supported by all parties, regardless of political considerations. United Nations agencies will continue to support grass-roots reconciliation initiatives to contribute to expanding humanitarian access. The United Nations Humanitarian Coordinator for Somalia will engage in a series of humanitarian diplomacy initiatives with relevant Somali stakeholders, including clan elders, the business community, religious and political leaders and women's groups, to help secure more humanitarian space in the country.

80. In conclusion, I would like to thank all the interlocutors of the United Nations technical assessment mission for the cooperation they extended to the team members during their consultations.

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Right of peoples to self-determination

The rule of law at the national and international levels

Measures to eliminate international terrorism

Security Council
Sixty-second year

Letter dated 11 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to the imminent release of the notorious international terrorist Luis Posada Carriles, by decision of a United States court.

Cuba denounces the complicity and full responsibility of the Government of the United States concerning the release of this individual, who is responsible for the bombing of an aircraft which resulted in the death of 73 people, among countless other acts of terrorism against Cuba and other countries.

This action by the Government of the United States constitutes a flagrant violation of the most fundamental norms of international law, the international treaties on terrorism, to which the United States is a party, and of numerous General Assembly and Security Council resolutions, such as General Assembly resolution 46/51 and Security Council resolution 1373 (2001).

As you are aware, article 7 of the Convention for the Suppression of Unlawful Acts against Civil Aviation, signed at Montreal on 23 September 1971, to which the United States is a party, states that "*The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution*".

A similar provision is contained in the International Convention for the Suppression of Terrorist Bombings, which entered into force on 23 May 2001, and to which the United States is also a party.

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The United States Government has full knowledge and evidence of the countless acts of terrorism committed by Posada Carriles. However, as a smokescreen to allow him to go unpunished, he has simply been indicted for minor immigration offences, and the request for his extradition submitted on 15 June 2005 by the Government of the Bolivarian Republic of Venezuela has been ignored.

I am attaching reflections on this case by the President of the Republic of Cuba, Fidel Castro Ruz (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 66, 80 and 100, and as a document of the Security Council.

(*Signed*) Ileana **Núñez Mordoche**
Ambassador
Chargé d'affaires a.i.

Annex to the letter dated 11 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Reflections by the President of the Republic of Cuba Fidel Castro Ruz

A brutal reply

[1 April 2007]

George W. Bush is undoubtedly the most genuine representative of a system of terror forced on the world by the technological, economic and political superiority of the most powerful country known to this planet. For this reason, we share the tragedy of the American people and their ethical values. The instructions for the verdict issued by Judge Kathleen Cardone of the El Paso Federal Court last Friday, granting Luis Posada Carriles freedom on bail, could only have come from the White House.

It was President Bush himself who ignored at all times the criminal and terrorist nature of the defendant who was protected with a simple accusation of immigration violation levelled at him. This is a brutal reply. The Government of the United States and its most representative institutions had already decided to release the monster.

The background is well-known and reaches far back. The people who trained him and ordered him to destroy a Cuban passenger plane in midair, with 73 athletes, students and other Cuban and foreign travellers on board, together with its dedicated crew; those who bought his freedom while the terrorist was held in prison in Venezuela, so that he could supply and practically conduct a dirty war against the people of Nicaragua, resulting in the loss of thousands of lives and the devastation of a country for decades to come; those who enabled him to smuggle drugs and weapons, making a mockery of the laws of Congress; those who collaborated with him to create the terrible Operation Condor and internationalize terror; those who brought about torture, death and often the physical disappearance of hundreds of thousands of Latin Americans, could not possibly act any differently.

Even though Bush's decision was to be expected, it is certainly no less humiliating for our people. Thanks to the revelations of "Por Esto!" a Mexican publication from the state of Quintana Roo later complemented by our own sources, Cuba learned with absolute precision how Posada Carriles entered from Central America, via Cancún and travelled to Isla Mujeres, departing from there on board the Santrina, after the ship was inspected by the Mexican federal authorities, and heading with other terrorists straight to Miami.

Denounced and publicly challenged with exact information on the matter, since April 11, 2005, it took the Government of that country more than a month to arrest the terrorist, and a year and two months to admit that Luis Posada Carriles had entered through the Florida coast illegally on board the Santrina, a presumed school-ship licensed in the United States.

Not a single word is said of his countless victims, of the bombs he set off in tourist facilities in recent years, of his dozens of plans financed by the Government of the United States to physically eliminate me.

It was not enough for Bush to offend the name of Cuba by installing a horrible torture centre similar to Abu Ghraib on the territory illegally occupied in Guantánamo, horrifying the world with this procedure. The cruel actions of his predecessors did not seem to be enough for him. It was not enough to force a poor and underdeveloped country like Cuba to spend $100 billion. To accuse Posada Carriles was tantamount to accusing himself.

Throughout almost half a century, everything was fair game against our small island lying 90 miles away from its coast, wanting to be independent. Florida saw the installation of the largest station for intelligence and subversion that ever existed on this planet.

It was not enough to send a mercenary invasion to the Bay of Pigs, costing us 176 dead and more than 300 wounded at a time when the few medical specialists they left us had no experience treating war wounds. Earlier still, the French ship La Coubre, carrying Belgian weapons and grenades for Cuba, had exploded on the docks of Havana Harbor. The two well synchronized explosions caused the deaths of more than 100 workers and wounded many others as they took part in the rescue attempts.

It was not enough to have the Missile Crisis of 1962, which brought the world to the brink of an all-consuming thermonuclear war, at a time when there were bombs 50 times more powerful than the ones dropped on Hiroshima and Nagasaki.

It was not enough to introduce viruses, bacteria and fungi into our country to attack plantations and flocks; and, incredible as it may seem, human beings. Some of these pathogens came out of American laboratories and were brought to Cuba by well-known terrorists in the service of the United States Government.

Add to all this the enormous injustice of keeping five heroic patriots imprisoned for supplying information about terrorist activities; they were fraudulently convicted to sentences amounting to two life sentences, and they stoically withstand cruel mistreatment, each of them in a different prison.

Time and again the Cuban people have fearlessly faced the threat of death. They have demonstrated that with intelligence, using appropriate tactics and strategies, and especially preserving unity around their political and social vanguard, there can be no force on this earth capable of defeating them.

I think that the coming May Day celebration would be the ideal day for our people — using the minimum of fuel and transportation — to show their feelings to the workers and the poor of the world.